

## THE TIMES Tomorrow

**House**... Full details of the rate-capping Bill... sturgeon... What to do with caviar by The Times cook... Bells... Wednesday Page looks at the upsurge in obscene telephone calls, with advice on how to deal with them... books... The Booker Prize: Miles Kingdon on how to take a party-time conversation... and Candelford... Lark Rise to Candleford: Spectrum on the making of a best-seller out of the book by Flora Thompson (below)



## Judge jails child sex man

Judge Brian Gibbons sentenced a man who had intercourse with a friend's daughter, aged seven, to two years' imprisonment "to mark the enormity of the crime". The judge, who is 71, claimed he was misreported in his reference last Friday to the offence as "an accident". The Lord Chancellor has asked for a transcript of Friday's proceedings. Page 3

## Challenge over cancelled rig

British Shipbuilders' Scott Lithgow yard will challenge yesterday's cancellation by a British-owned consortium of an £80m oil rig which had fallen 500 days behind schedule. Labour MPs pressed for an emergency debate on the matter. Page 25

## Europe's cash

The EEC's £15.5bn budget, approved by the Parliament last week, will be adopted today as the Council of Ministers lodges a last-minute protest. Page 5

## Pay-cut theory

A reduction of 10 per cent in teenagers' average wages could create an extra 70,000 to 100,000 jobs for young people, a research paper says. Page 2

## Eagle-eyed

Washington is preparing a review of Soviet violations of arms control agreements to be presented to Congress early in the new year. Page 5

## Jobless 'decline'

Unemployment no longer seems to be rising and may even be falling, Mr Nigel Lawson, the Chancellor, told the Commons Treasury and Civil Service Select Committee. Page 5

## Habsburg theory

Crown Prince Rudolf, believed to have committed suicide with his lover at Mayerling, Austria, in 1889, was murdered according to Habsburg family papers. Page 5

## Transplant fear

The condition of Mr Lars Ljungberg, aged 32, Britain's first heart-lung transplant patient, was causing "grave concern", doctors at Harefield Hospital, Middlesex, said. Page 5

## Spy chief quits

Mr John Ryan, Australia's espionage chief, has resigned after a bungled training exercise when agents wearing carnival masks ran amuck in a Melbourne hotel. Page 6

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# Royal couple visit youngest victim as Brittan steps up security

## Newman puts 700 more police on bomb watch

More police are to be deployed on anti-terrorist duties in central London, in the wake of the Harrods bombing.

The Prince and Princess of Wales went to two hospitals to visit those of the injured who were well enough to see them.

Harrods opened at 9 am as usual, but there were fewer customers than are normally expected on the Monday before Christmas (Page 2)

Police believe the IRA may have reserved a space for the car bomb by parking another car there earlier.

Mr Prior, on US television, exposed the misconception that Americans' cash went to IRA freedom fighters. "It goes to buy arms" Page 2

Mr Gerry Adams, president of Provisional Sinn Féin, denied a rift between the military and political wings of the republican movement Page 2

By Julian Haviland, Political Editor

Police vehicles patrolling 24 hours a day to respond specifically to bomb threats anywhere in Metropolitan London, and more dog handlers, traffic police and foot patrols, were among the new safety measures announced in the Commons yesterday by Mr Leon Brittan, the Home Secretary, in the wake of the Harrods bombing on Saturday in which five people were killed and 93 injured.

Mr Brittan, who earlier consulted the Prime Minister and Sir Kenneth Newman, the Metropolitan Police Commissioner, also told MPs that the police were urgently considering whether membership of Provisional Sinn Féin should be made illegal. But he said that there were powerful arguments on either side of that question.

Mr Brittan told an impressively united Commons that Sir Kenneth's measures for the public's greater protection would include 64 more dog handlers, 30 more traffic branch police officers, and 320 more uniformed foot duty officers deployed in the inner districts; an increase of 200 in the number of CID and Special Branch officers in central London; four more special patrol groups, totalling 120 officers, in the inner districts.

Mr Brittan added that particular care had also been taken to ensure that policing against terrorist threats was fully maintained elsewhere in the London area.

The possible proscription of Sinn Féin was one of several questions briefly considered when Mrs Margaret Thatcher, Mr Brittan and Mr James Prior, Secretary of State for Northern Ireland, met for 40 minutes at 10 Downing Street.

Mrs Thatcher asked for the arguments to be set out again for the Cabinet, which at its weekly meeting on Thursday is expected to review the whole range of possible political and physical measures to contain

the threat of Irish Republican violence.

Despite this, the impression at Westminster yesterday was that proscription is not likely to be introduced. Mr Prior is convinced that Sinn Féin politicians would be able to use it to further their cause.

He has argued that the party would say that the Government, having challenged it to

detention of suspected terrorists, saying that there had been more murders when there was detention, and against introducing identity cards. The first had been suggested by Mr Julian Amery, from the Conservative benches; the second by Mr Russell Johnston, the Liberal spokesman.

Mr Brittan in his statement to the Commons said that public violence was essential to give full effect to the increased security measures. He promised that everything possible was being done to bring the criminals to justice. And he spoke of the nauseating hypocrisy of the IRA statement in Dublin on Sunday which professed regret for the civilian casualties.

Mr Gerald Kaufman, the Labour spokesman, decided that the clearest demonstration of support for the efforts of the police and the Home Secretary was to ask no questions.

Mr Kaufman was as scornful as Mr Brittan of the IRA "evil men who, characteristically and contemptuously, seek to creep away from the consequences of their inhumanity". MPs and the people they represented were united in their determination to stand against them, and would make no concession to the bullet and the bomb.

Like Mr Brittan, Mr Kaufman appeared to speak for everyone in the Chamber.

Few political points were made. Mr John Hume, leader of the Social Democratic and Labour Party, lamented "the failure of Britain and Ireland to sort out their relationship". That failure, he said, had been pushed into a corner called Northern Ireland from which a political cancer was spreading its tentacles.

Mr Brittan said that Mr Hume was right to draw attention to the wider dimension, but it was right to make clear that what happened on Saturday would do nothing towards a solution.



Youngest victim: The Princess of Wales at St Thomas's Hospital yesterday, chatting to Rajan Parmar, aged five, whose leg was injured in the Harrods bomb attack.

## I apologize on behalf of London, says prince

By Alan Hamilton

The Prince and Princess of Wales yesterday went to two London hospitals to visit victims of Saturday's Knightsbridge bomb attack. Prince Charles told one American casualty: "I apologize on behalf of London. It was terrible."

Fifteen members of the public and five police officers were still being cared for in four London hospitals yesterday. Two of the policemen remain in critical condition.

Inspector Stephen Dodd was laid to be "critical but stable" on a life support machine at the Central Middlesex Hospital. PC John Gordon, a dog handler, was said to be "poor but stable" at the Westminster Hospital and a special kidney unit has been brought in from RAF Halton to help stem a deteriorating kidney complaint.

PC Gordon lost his right leg in the blast as he approached the car bomb with his sniffer dog, Queenie. His wife, who is seven months pregnant, said yesterday that the incident had been "an absolute nightmare".

The condition of Sergeant Andrew Melham, in the intensive care unit of St Thomas's Hospital, was reported to "stable". Sergeant Christopher Stanger and PC Martyn Holgate, the other two officers still detained, were both described as "very comfortable".

At Westminster Hospital the royal couple met Mr Mark McDonald, an American geologist who was one of the most seriously injured civilians. Mr McDonald, now out of intensive care, was joined by his parents from Michigan. His mother, Mrs Audrey McDonald, said: "It is tremendous to get this royal support. The princess obviously felt great sympathy for all those who were injured."

The prince and princess had a brief private meeting with PC Gordon before meeting other civilians, including Mr Robert Brown, a stockbroker who suffered a broken arm and severe shrapnel wounds.

At St Thomas's Hospital Sergeant Melham was too ill to see the royal couple, but they met PC Holgate, recovering from his third bomb incident. He was 200 yards away from the bomb which cut down the Household Cavalry last year and was among the officers who found last week's unexploded bomb near Kensington High Street.

Some bomb victims would be "totally maimed for life", a consultant orthopaedic surgeon at the Westminster Hospital, Mr Paul Aichroth, said yesterday. Even with artificial limbs, their lives would never be the same (The Press Association reports).

## Arafat prepares for dawn evacuation

From Robert Fisk, Tripoli, northern Lebanon

Mr Yasser Arafat's 4,000 guerrillas under siege in the northern Lebanese city of Tripoli prepared for a dawn evacuation today. The five Greek ships which are to take them to Tunisia, Algeria and North Yemen left Cyprus for Lebanon last night with an escort of five French warships, including the aircraft carrier, "Clemenceau".

Despite the lachrymose predictions of Mr Arafat that the Israeli Navy would block his ship's evacuation, Israeli gunboats which have been shelling Tripoli withdrew southwards down the coast in mid-afternoon, to permit the 10 vessels to enter the harbour.

Yesterday evening the grey-painted bulk of the Cypriot merchant coaster My Charn still lay smouldering alongside Tripoli's No 2 quay yesterday, her bridge and superstructure congealed on to the burnt decks where an Israeli shell had smashed into her.

On the other side of the wharf an already-damaged vessel had sunk miserably on to the seabed during the early morning shelling, her masts awash just north of the harbour.

Earlier, Mr Arafat had learnt that the latest Israeli naval bombardment of Tripoli - the sixth in 10 days - had prompted the Greek Government to seek further guarantees for the safety of their five evacuation ships.

## Princess Caroline to marry

From Diana Geddes

Princess Caroline of Monaco, aged 26, is to marry Signor Stefano Casiraghi, 23-year-old son of an Italian businessman, Prince Ramier announced yesterday. The civil wedding, which will be a "strictly family affair", will take place in the royal palace in Monte Carlo on December 29.

The couple, who have known one another for three years, but only closely for the past six months, had both wanted a church wedding. But Princess Caroline failed to obtain the necessary papal annulment of her previous marriage to M Philippe Junot, the international playboy, which ended in divorce three years ago.

Signor Casiraghi is the youngest of four children of what is reputed to be one of the richest families in Italy, based in an early twentieth-century 50-room palazzo in Fiume Monasque on the shore of Lake Como.

The Casiraghis also have a house at St Jean Cap Ferrat.

## Two cars theory in hunt for Harrods killers

By Stewart Tendler, Crime Reporter

The Provisional IRA unit which killed five people at Harrods may have reserved a space for their car bomb by parking another vehicle in the row of parking bays alongside the store hours before the explosion.

Yesterday, hundreds of policemen, backed by a £250,000 reward offer, continued the search for the bombers, Commander William Hucksby, head of Scotland Yard's anti-terrorist squad, said he was now considering the theory that two cars could have been used. A similar system is known to have been used by IRA bombers in the past.

Mr Hucksby said the first car would have been driven into Hans Crescent some time on Saturday morning and parked at a meter. Just after midday the Austin 1300 GT arrived and took its place. The driver of the Austin may have set the timing device on the bomb and been driven away in the other car.

Police now know, from one of the policemen in a police car which pulled up behind the Austin before it exploded, that the 1300 was parked in the wrong direction, facing towards Brompton Road. The crescent is one-way.

The Yard hopes members of the public in the crescent may have seen the exchange. It is also possible that details of parked cars could have been kept by traffic wardens or police since the area is always subject to strict parking controls.

Yesterday Mr Hucksby disclosed that the police have done some work in tracing the Austin, which was originally registered in Leicester in 1972, and have interviewed two car dealers. The car, registration KFP 252K, was sold by one dealer to another just over a month ago in London.

Mr Hucksby said the second dealer sold the car from his showroom and police are still trying to discover what happened to it between then and last Saturday.

As statements come in from Harrods staff, the staff of other shops in Hans Crescent and the hundreds of people shopping there on Saturday, the Yard has brought in a large desk-top computer to keep pace with the detail from witnesses. Since Saturday a staff of more than two dozen has been working round the clock to keep pace with the flow of information manually and the computer will allow for their release elsewhere.

leading to the capture of the bombers. Others who had made offers should consider putting their money into appeal funds being set up for the injured and relatives of the dead.

With nearly a tenth of London's detective force committed to the Harrods investigation, Scotland Yard is also being stretched by hoaxes. Parts of central London were again halted by false alarms yesterday.

At the weekend senior staff at the Yard began drawing up plans for the extra patrols announced by the Home Secretary yesterday. The normal eight-hour shifts have been extended to provide more manpower, and leave is likely to be cancelled.

The Yard has also asked motorists to consider not driving into central London this week and using public transport instead, so that the risk of suspected vehicles can be reduced.

In past years the Yard has responded to IRA campaigns by making the police presence on the streets of central London very visible. Yesterday there were already signs of an increasing number of foot patrols, with officers in twos and threes among shoppers and office staff in the West End and Whitehall.

## Marks & Spencer breaks with family tradition

By Derek Harris

Lord Sieff of Brimpton is stepping down as chairman of Marks & Spencer in July, making way for Lord Rayner, the man Mrs Thatcher called in to improve efficiency in Whitehall.

This means that for only the second time in the chain's 100-year history, the top man will not be a member of one of the founding families.

But Lord Sieff will remain as a director of the company and has accepted the post of president.

Lord Sieff is the grandson of

Mr Michael Marks who, with Mr Thomas Spencer, founded the business in Leeds in 1884. Born Marcus Sieff, the son of the late Lord Sieff (formerly Israel Sieff), he was educated at Manchester Grammar School, St Paul's and Corpus Christi, Cambridge.

He joined the family business 48 years ago and was appointed to the board in 1955. He became chairman 11 years ago when the annual turnover was £417m. It is now £2,500m.

Services to exports earned him his knighthood in 1971 and he became a life peer in 1980. In 1976 he was Hambro's



Lord Sieff (left) and his successor, Lord Rayner, businessman of the year, and was presented with the International Retailer of the Year Award in New York earlier this year.

New 70, he is in good health and shows no signs of reducing the pace that has made Marks & Spencer the most successful retailer in Britain.

Yesterday he was at his desk early, took a board meeting, and according to fellow directors, planned to go on his regular round of some of the stores.

He has described his methods like this: "It is not state visits. It is listen and learn at store level. It is the sales staff and supervisors who know what is going on."

Mr John Salisse, a fellow

director, said of Lord Sieff yesterday: "He has terrific drive and leadership. The growth of the company has been phenomenal under his leadership. He played a major role in getting the company into Europe and Canada."

The Sieff view has been that while Marks & Spencer may have grown into a formidable retailing chain, it must retain the point of view of the archetypal family shop, caring for staff and customers alike and taking price in what it sells.

One of the keys to its success is its willingness to experiment. Continued on back page, col 5



## Pay cuts would create jobs for young people, report says

By Frances Williams

Cuts in young people's wages relative to adults would substantially improve their job opportunities, according to an official research paper from the Employment Department, published yesterday.

It suggests that for every 1 per cent cut in the relative wages of young people employment would rise by 2 per cent for boys and 1.5 to 2 per cent for girls. A pay reduction of 10 per cent - equivalent to about £6 a week on present average earnings of about £60 for workers under 18 - could thus create between 70,000 and 100,000 extra jobs.

Only one in five of these additional jobs would be new, however. The remainder people would directly replace adult workers.

The study's findings, which contrast with the failure of earlier research to discover any firm link between pay and jobs

for young people, support ministers' claims that low wages would enable young people "to price themselves into work".

But they do not support the view that excessive wages are to blame for the steep rise in unemployment rates among teenagers since 1979. Their relative earnings have fallen slightly since the mid-1970s, the study says. But employment prospects have suffered disproportionately from the impact of recession.

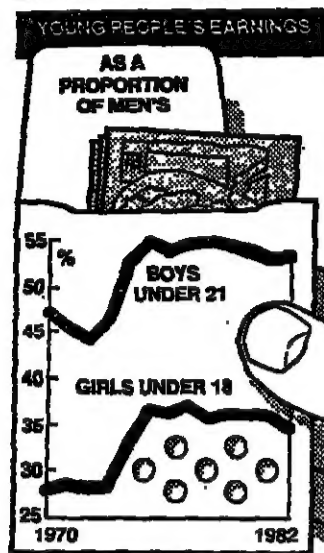
For every one per cent fall in overall employment the number of jobs available for young people drops by about 1.2 per cent, the department estimates and by more if special measures to relieve youth unemployment are discounted.

Officials said yesterday that earlier studies had failed to uncover the connection between pay and jobs because they concentrated on the 1950s and 1960s when demand for labour was high and the relative wages of young people were low, although gradually rising. But from 1959 there was a sharp break in the pattern.

Between 1969 and 1977 boys' earnings as a proportion of men's jumped from 47 to 55 per cent while for girls the proportion rose from below 28 to 37 per cent. Unemployment rates among young people relative to adults soared from about average to more than three times the average.

Since 1977 the relative jobless rate has fallen to about twice the average.

The relative pay and employment of young people (William Wells, Department of Employment Research Paper No 42).



## £250m snag to sale of ordnance plants

By Rodney Corvinn, Defence Correspondent

The Government yesterday announced plans to reorganize the Royal Ordnance Factories, for which it may have to find £250m within the next year.

A Bill in the Commons yesterday will bring the 11 government-owned factories into a new organization under the Companies Act, thus paving the way for their privatization.

The policy is being resisted by the unions, and the trades unions yesterday announced plans to hold a one-day strike in January.

If the Bill is approved by Parliament, it is intended that the factories will be brought under their new status from October 1 next year. Employees would then cease to be civil servants, and among the pro-

visions which would have to be made would be the transfer of funds to cover their accumulated pension rights. These could amount to £250m.

That would have to be especially found by the Government because Civil Service pensions are paid for from current funds, and there is no single pension fund from which the money could be transferred. That sum could turn out to be almost as much as will be raised later on by privatization.

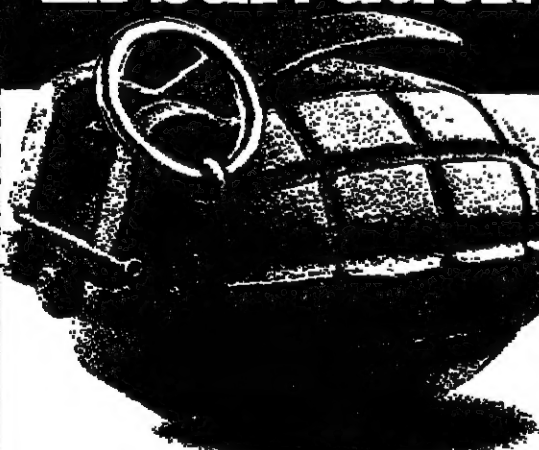
Mr Michael Heseltine, the Secretary of State for Defence, said that the introduction of private capital could not begin before 1985. The Government may decide to retain a stake in the factories.

## Bridge road 17 years old

The Severn bridge still retains its original 1966 road surface, and this is because of the immense difficulties of repair, a Labour MP said in the Commons last night.

Mr Roy Hughes, MP for Newport, East, said that road engineers had told him that resurfacing the bridge would be one of the hardest jobs they could be given. But he added the warning: "This will have to be tackled one day."

## A Christmas cracker in El Salvador



While you're merrily pulling crackers at Christmas, El Salvador, Nicaragua and Guatemala are being pulled apart by civil wars. Civil wars so brutal that they've already left 4 million people homeless and destitute. And orphaned countless thousands of children. The luckiest ones have escaped to Mexico and Honduras.

Only to find conditions in the shanty towns and refugee camps wretched beyond belief. They have survived a murderous civil war but without your help they may not survive Christmas or the New Year.

Their situation is desperate. We are doing all we can. Please send a donation. Now. No matter how little you can afford.

Even the price of a Christmas cracker will help them.



Please send your donation to: Guy Stringer, Oxfam, Room TM28, Freeport, Oxford OX2 1BR.

## Police life goes on at Chelsea station

By Alan Hamilton

On the roof of Chelsea police station, as on police stations all over London, the Union Jack flew at half mast yesterday in memory of the two officers killed by the Knightsbridge bomb.

Rarely, if ever, have the perils of the job struck so hard at a single station with two dead and thirteen injured, three of them critically.

As Monday morning's shift reported for work they found many officers who had been on duty almost continuously since Saturday afternoon. A sense of numb shock still prevailed over all.

"You feel a sense of loss when any officer is killed, but when it is your own station it is the loss of friends," Chief Insp Peter Francis, who had been on duty for 36 of the past 48 hours, said.

"This is a big station with 200 officers, but we have a small number, which makes us all very close. Men have been appearing from their days off and their holidays; it is almost impossible to get them to go home."

"One of the advantages of a major incident like this is that there is too much to do to sit around and dwell on it. But our civilian staff in particular are quite distraught at the tragedy."

But the overriding feeling is one of determination. "We are carrying on as best we can," said one senior officer. "We cannot let the IRA succeed."

Superintendent Michael Haines, the station's deputy chief officer, shouldered the grim task on Saturday of visiting the families of the dead to break the news to them. The three critically injured officers are allowed only their families by their bedside, but the station is constantly in touch with the hospitals on their progress.

Throughout the weekend the station has been inundated with telephone and personal calls from the public offering sympathy and cash donations for the bereaved families.

Among yesterday's callers was Mr Alec Craddock, managing director of Harrods.

Of the two who died, Sergeant Noel Lane, aged 28, had moved from Streatham to Chelsea only two months ago on his promotion. WPC Jane Arbutnot, aged 22, had been at Chelsea throughout her two-and-a-half-year career in the police.

Mr Kenneth Hawkfield from Sussex, who has had an account



## Harrods back in business

By Richard Dowden

Harrods opened on the stroke of nine yesterday morning but despite a brave face from the staff it was not quite business as usual.

The store was not deserted, but for a Monday morning before Christmas it was very quiet. Customers who came did so almost out of defiance.

They included the Prime Minister's husband, Mr Denis Thatcher, who said: "No damned Irish murderer is going to stop me going there." He returned to Downing Street carrying two of the store's distinctive green bags packed with presents.

Mr Kenneth Hawkfield from Sussex, who has had an account

at Harrods for more than 30 years, said he had no second thoughts about coming so soon after Saturday's bomb. "I do not think lightning strikes twice in the same place, but anyway I am not going to have my shopping upset like that," he said.

About 15 per cent of the store was closed but goods from those departments were available elsewhere. In the furniture department on the third floor there was a hum of vacuum cleaners and the occasional grity click as a shard of glass was sucked up.

Outside glaziers were tapping at window frames and workmen were shovelling broken glass into a skip.

Mr Alec Craddock, Harrods' managing director, said the bomb had cost the store more than £1m in damage and more in lost custom. But he added: "I am sure that customers will continue to come to Harrods. British people are like that. The store will be as normal as we can make it. We are going to make Harrods as Christmas as possible."

Oxford Street, which was sealed off after a bomb scare on Saturday, was also relatively quiet. Police were patrolling in pairs every 20 yards. Security guards at some stores were searching handbags. Managers would not comment on the prospects for trade, but staff admitted they had never seen it so quiet.

## Reaction to bombing

## Prior asks US to cut IRA cash

By Kenneth Gostling

Mr James Prior, Secretary of State for Northern Ireland, said yesterday that Americans could help enormously to fight terrorism internationally by giving no further help to Noraid, the IRA's fund-raising organization, or other groups.

Speaking on the national breakfast television programme *Good Morning America*, Mr Prior said that one American had been killed and two others were injured in Saturday's car bomb explosion at Harrods in London.

"The fact is," he said, "there is a misconception among a number of people in the United States that they are supporting freedom fighters. They are doing nothing of the sort."

Mr Prior said money was being given in some cases on the basis that it was for widows and orphans.

"That is not what happens. It goes to buy arms to create the sort of attacks that have taken place in recent days."

Just before the broadcast began, the US interviewer, Barbara Walters, had asked Mr Prior if there was a particular question he wanted to answer. He specified Americans' attitude towards Noraid.

Mr Prior had a sharp reply to the IRA's apology over Saturday's attack. "That's what they always say when they carry out these attacks and they think it has been their political advantage. They take the credit, but when something goes wrong and the reaction is one of shock and utter detestation, the IRA tries to dissociate itself from what happens."

Mr Martin Galvin, Noraid's spokesman, said in New York last night about the Harrods blast: "I regret the loss of life, but many Irish people have been killed by British occupation forces. I recognize the moral superiority of the IRA over the British Government" (Christopher Thomas writes from New York).

## Adams denies rift in republican ranks

From Richard Ford, Belfast

Mr Gerry Adams, president of Sinn Féin, political wing of the Provisional IRA, yesterday denied there was a rift between the political and military wings of the movement.

He expressed regret for the Harrods bombing, but refused to condemn it.

But the *Irish Times* Belfast said the organization never condoned civilian casualties, adding that the bomb was an example of an IRA operation that had "not gone right".

The admission by the Republican movement that the Harrods bombing had not been authorized by the "army council" is evidence that they have been embarrassed by the attack. In both Dublin and Belfast,

officials were expressing caution over calls to ban Provisional Sinn Féin. One official said: "It would give them a great Christmas bonus."

In spite of Sinn Féin's recent electoral successes, the IRA will continue to attack British soldiers during the coming year, according to a senior member of the organization whose secret strategy speech was broadcast on Granada Television's *World in Action* programme last night (David Cross writes).

The IRA speaker told last month's annual conference of Sinn Féin delegates in Dublin: "Our military successes and our political progress are of equal importance."

## Bomb-hoax caller jailed

John Michael Daly, aged 23, an interior decorator, of Uxendon Hill, Wembley, a north London, was jailed for three months by Harrow magistrates yesterday after pleading guilty to making a bomb hoax call to Scotland Yard on Sunday night.

Also at Harrow, Gary Alan Coomber, aged 26, a London Transport cleaner, of Binyon Crescent, Stanmore, was remanded in custody until Friday charged with making a hoax call to British Telecom on Saturday. In Bristol, Michael Freye,

aged 19, a civil servant, and Andrew Hurley, aged 20, a barnman, were remanded on bail until January 11 after admitting making a false call to a Bristol nightclub.

Strathclyde police are holding nine men under the provisions of the Prevention of Terrorism Act after raids in Glasgow over the past two days. Geoffrey Edwards, aged 25, a full-time private in the 21st Defence Regiment, was charged in Belfast yesterday with the murder of Mr Peter Corrigan

## Compromise agreed on electricity cost

By Philip Webster, Political Reporter

Mr Peter Walker, Secretary of State for Energy, confirmed in the Commons yesterday that the Electricity Council was looking at the possibility of a 2 per cent increase in domestic electricity prices next year and that an increase for industrial users was unlikely.

Four days after the Cabinet discussion on electricity prices, about which there were conflicting accounts, the shape of the compromise which it reached appeared to be agreed by all sides yesterday.

As reported in *The Times* on Friday, it was that instead of 3 per cent rise for domestic and industrial electricity, which the Treasury wanted, the Electricity Council should be asked to increase domestic prices by 2 per cent.

Mr Walker met Mr Philip Jones, the council's chairman yesterday to inform him of what he later called in the Commons the Cabinet's suggestion. Mr

Jones undertook to discuss it with his 14 area chairmen and to report back to Mr Walker next month.

But Mr Walker made it clear to MPs that if Mr Jones said that the council did not want to put up prices, the Government did not plan legislation to compel it to do so.

If that happened it is clear that the only way Mr Nigel Lawson, the Chancellor could get his way would be by increasing the sum it requires from the industry in loan repayments.

In the Commons, Labour MPs exploited the Cabinet division over the issue. Mr Stanley Orme, from the opposition front bench, said that Mr Walker should resign. But Mr Walker was backed from Mr David Rowell, a former energy minister whom Mrs Thatcher dropped from the Cabinet after the election.

Parliamentary report, page 4

## NGA can have cash to pay benefits

Commissioners holding National Graphical Association (NGA) funds seized for the union's contempt of court in the *Stockport Messenger* dispute are to be given permission to release enough money to allow the union to pay sickness and hardship benefits.

Mr Justice Eastham, the High Court judge who ordered the sequestration of the NGA's assets of an estimated £10m, said yesterday, however, that the commissioners had "quite rightly" required money the union had exported to Dublin to be reimported to England.

He was speaking in the High Court in Manchester, where the NGA's counsel, Mr Terence Rigby, yesterday applied for an application, asking for the terms of the writ of sequestration to be relaxed, to be adjourned.

Mr Rigby told the court the application for an adjournment to allow discussions to take place between the union and the

## By-election allegations dismissed

Allegations that Mr David Maclean, Conservative MP for Penrith, was guilty of incurring illegal election expenses were dismissed by a High Court judge yesterday as "wholly misconceived".

Rejecting a claim by Lieutenant Commander Eric Morgan, aged 73, the "Liberal, Labour, Co-op" candidate in the Penrith by-election in July, that the poll was void, Mr Justice Cornyn said that his numerous complaints had been "magnified out of all proportion".

An accusation that Lord Whitelaw, who held the seat before entering the Lords, was guilty of "undue influence" and had impeded the election was, the judge said, "an enormous impertinence which should never have appeared, even in a misconceived petition such as this".

Mr Morgan, of Hollows, Mattedale, Cumbria, now faces a bill, likely to be several thousand pounds, for Mr Maclean's legal costs.

## Oil pollution report

The Government said yesterday it was in overall agreement with the recommendations of the Royal Commission on Environmental Pollution's report on sea pollution submitted in late 1981.

The report concluded that, while current levels of marine oil pollution were unlikely to cause permanent damage, minimizing the severe short-term effects of large spills and their prevention could be improved.

## £293m for Wales

Welsh local authorities will receive about £293m for capital expenditure in 1984-85, compared with £296m this year, but the Government will withhold about £19m in case capital spending this year exceeds cash limits.

## Pit to close

The Wyndham-Western colliery, near Pontypriid, south Wales, is to close. It has not been producing coal since last September and most of the 450 men have transferred to other collieries.

## Jumbo crossword

The Times Jumbo Christmas crossword will appear on Saturday December 24. Newsagents may wish to order extra supplies to ensure that regular readers can order a copy.

## Women PCs 'minimize' psychology

By Nicholas Timmins, Social Services Correspondent

Policewomen see less value in using psychological techniques in policing than male police officers, the British Psychological Society was told yesterday.

The finding, which was described as surprising by Mr Peter Ainsworth of the department of social administration at the Manchester University, may be due to the women believing they need a tough, ruthless approach to do well in male-dominated police forces, he suggested.

Alternatively they may rely on traditional female "intuitive" approach so they believe formal psychological techniques have little to offer.

The findings presented to the society's conference in London came from a relatively small study involving four police forces and 167 male and 23 female officers.

Under 14 per cent of the male officers thought psychology was of little practical use in policing, against more than 43 per cent of the women.

Far fewer of the women officers believed that psychology had something to offer in crowd and riot control, in dealing with domestic disturbances, in community relations or in training generally, the survey found.

## Equal start

Black children are as numerate and literate as white children when they first go to primary school, despite evidence that they do worse at school than white children as they grow older, the conference was told.

Evidence from a study in which more than 340 children are being followed up to the age of seven in inner London schools was presented by Dr Peter Blatchford of the London University Institute of Education.

## Overseas selling prices

Austria Sch 28; Belgium Frs 50; Canada US\$ 7.50; Denmark Dkr 7.50; Finland Mk 1.25; France Frs 7.50; Germany Mk 1.25; Greece Grs 7.50; Hong Kong HK\$ 1.25; Italy Lit 1.25; Japan Yen 1.25; Korea Won 1.25; Luxembourg Lit 1.25; Netherlands Gld 1.25; Norway Kr 1.25; Portugal Esc 1.25; Spain Ptas 1.25; Sweden Swk 1.25; Switzerland Frs 1.25; Taiwan NT\$ 1.25; Thailand Baht 1.25; USA \$ 1.25; Yugoslavia Din 1.25.

## Upst XMAS?

Enterosan

STOPS DIARRHOEA - FAST



# Judge jails child sex man for two years and says he was misreported

By Peter Evans, Home Affairs Correspondent

The Lord Chancellor, Lord Hailsham of St Marylebone, has called for the transcript of the proceedings in which a senior judge at the Central Criminal Court said that he felt sympathy for a man with a drink problem who admitted having intercourse with a friend's daughter, aged seven.

When Judge Brian Gibbons, aged 71, yesterday jailed the man, William Watson-Sweeney, for two years, "to mark the enormity of the crime", he criticised reports of the case in Saturday's newspapers.

He said that after seeing *The Times*, he decided, as there was such "gross distortion" of what he had said and meant, that he would avoid reading any other papers, to avoid prejudicing his sentencing yesterday.

Judge Gibbons was reported on Saturday in *The Times* as saying: "It strikes me as being one of the kind of accidents that could almost happen to anyone." The headline was: "Sex with children could happen to anyone accidentally, judge says."

The judge told the crowded court yesterday that he actually said: "This is of course a serious offence, offending against a little child, but it strikes me, without belittling the offence, it is one of the kind of accidents which happen in life to almost anyone - although of a wholly different kind."

He told the court that he had called for an official shorthand transcript to check what he actually said. As Watson-Sweeney was not to be sentenced until yesterday the matter was sub judice.

Judge Gibbons added that he was referring to what he called "gross violation" of the sub judice rule to the Attorney General for possible contempt of court proceedings.

Judge Gibbons said that he had always regarded Watson-Sweeney's case as serious and denied saying that anyone could accidentally molest a child. He said he hoped the press would make amends by pointing out that the defendant was not a paedophile and had not misbehaved before.

When the child first went indoors with Watson-Sweeney he had no indecent intention and a game with her got out of hand. The judge said that the girl was not harmed, no force was used and her virginity was still intact.

Everyone felt sorry for her and her family, Judge Gibbons said. However, he was not prepared to pass sentence by rule of thumb and made no apology for feeling compassion for anyone who had brought disaster and shame upon himself by a momentary lapse. Drink had prompted his disgusting behaviour.

Mr Jeremy Carter-Manning, for the defence, said that the main cause of the defendant's behaviour had been an alcohol problem which developed after he was wounded twice while serving in Northern Ireland with the Royal Corps of Signals.

He told Watson-Sweeney, aged 35, of Vernon Road, Guildford, Surrey: "I must send you to prison to mark the enormity of the crime. It is obvious from your remorse and horror you are never likely to do it again. This persuades me that I can treat you with less severity."

In Watson-Sweeney's case, he said, it was an unprovoked, unpremeditated and sudden crime. By his own fault his life had been knocked to pieces.

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Transferred to foot patrol: WPC Wendy de Launay.

## WPC claims discrimination

A woman police constable was banned from regular patrols with a married male colleague because they worked too well together, an industrial tribunal in London was told yesterday.

PC Wendy de Launay is accusing the Metropolitan Police of sexual discrimination and victimisation because of the ruling, which she claimed was made by Chief Supt Brian Wallace of the force's south-west traffic area.

Miss de Launay, aged 25, of Englefield Green, Egham, Surrey, said that after bringing the complaint she was transferred from her job in the traffic division to foot patrol in Fulham.

Mr David Pannick, representing Miss de Launay, told the tribunal that Mr Wallace made a general ruling that women police officers should never be given permanent patrols with married men.

Mr Pannick said Mr Wallace had indicated that, although he did not believe the officers were having an affair, he thought one might start if they continued their partnership. "I have had you checked out", he is alleged to have said.

Mr Wallace is claimed to have told the two officers that he did not want the men's wives complaining to him of mixed partnerships.

Mr Pannick told the tribunal that the decision effectively made it impossible for Miss de Launay to go on regular police car patrol, thus affecting her future prospects.

He said that although Mr Wallace had described her as one of the best workers at the Hampton police garage, she was later returned to foot patrol. Recently, he said, Miss de Launay, who has been in the police force for five years, gained the highest marks, 99.5 per cent, on a driving school course.

The case, the first sexual discrimination action against the Metropolitan Police, has been taken up by the Police Federation and the Equal Opportunities Commission.

The hearing was adjourned until today.

Earlier this year he informed Miss de Launay, who had a high reputation and glowing reports of her ability, that she must give up her partnership with PC Trevor Atfield.

According to Mr Pannick, Mr Wallace told her: "When I see you two working together so well and happy I am jealous."

"Of course, if you were a man I would not have to make this decision if you had a face like the back of a bus it would be better. But you are both attractive people."

Mr Pannick said Mr Wallace had indicated that, although he did not believe the officers were having an affair, he thought one might start if they continued their partnership. "I have had you checked out", he is alleged to have said.

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## Travel agent staff 'must be qualified'

Package tour buyers must continue to be protected from untrained inexperienced and incompetent staff, the Restrictive Practices Court held yesterday.

The quality of travel agency staff should be subject to compulsory minimum standards to be imposed and policed by the Association of British Travel Agents.

Mr Justice Anthony Lincoln, the court chairman, said a purchaser of a foreign package tour was entering into one of the most substantial transactions in his family budget. He could not readily, if at all, find out whether the travel agency staff were offering him the most suitable service, knew what they were talking about or were really able to get the services expected.

The court was giving a reserved judgment on minimum professional standards needed for travel agency staff.

The ruling was a sequel to the main judgment last December when legal approval was given for the "closed shop" system among ABTA members.

ABTA's "closed shop" among its 2,400 members had been challenged by the Office of Fair Trading, which maintained that it was anti-competitive and against the public interest, but the court ruled that it was an extra safeguard for package tour buyers.

Under the system an Abta tour operator may sell his holidays only directly to the public or through an Abta agent, and an agent may sell only package holidays supplied by an Abta operator.

The court then ruled that maintaining protection for the travelling public was more important than objections to the exclusive trading system.

Dealing with the quality of travel agency staff yesterday, Mr Justice Lincoln said that all Abta retail agencies should have available the advice or supervision of a qualified person.

Abta had proposed that the person should be qualified if he had had two years' practical experience; or 18 months' experience and completed tests for the Certificate of Travel Agency Competence.

Mr Peter Preston, editor of *The Guardian*, was censured yesterday in a Commons motion which questioned his decision to surrender a leaked document to the Ministry of Defence.

The motion, tabled by Mr Brian Sedgmore, Labour MP for Hackney, South and Shoreditch, said that the editor's act should serve as a public warning that the paper could not be trusted to protect its sources and called on Mr Preston and his colleagues "to consider his fitness to continue as editor of a radical national newspaper".

The Hearing Dogs for the Deaf scheme, launched at Crufts Dog Show last year, has completed its first full working year with five dogs trained and placed in their new households, three in training and a target of 20 for 1984.

It takes about four months at a centre in Chisnor, Oxfordshire, and £2,500 to train each dog to alert its deaf master to such signals as whistling kettles, ringing doorbells or babies crying.

Lawrence Nicklin, aged 13, who is physically handicapped and who has speech difficulties, is now able to write and do arithmetic after being provided with his own computer.

He is a pupil at Blackfriars special school, Newcastle-under-Lyme, Staffordshire, whose headmaster, Mr Bill Hollinghurst, said yesterday: "This is his first real communication with the outside world."

More than 40 turkeys were taken from the shelves at a Tesco supermarket in Mansfield, Nottinghamshire, after a local newspaper was warned by the Animal Liberation Front that 12 birds had been injected with the poisonous paraquat.

Tests revealed they had not been tampered with.

With orders already received from France, Britain (British Caledonian) and Yugoslavia, the A320 programme would go ahead with or without British participation, the TUC delegation argued.

Mr Lamont apparently agreed but a department spokesman emphasized later that the Government had to be sure that the project was viable.

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He complained of an article by Dr Nicholas Humphrey, a psychologist and writer, published by *The Guardian* in March 1982, which could be read as suggesting that Mr Bukovsky resorted to false "pseudo-revelations" to distort information concerning life in the Soviet Union and Soviet foreign policy.

Guardian Newspapers, Mr Peter Preston, editor of *The Guardian*, and Dr Humphrey, apologizing through their counsel, Mr Desmond Browne, said they did not intend to suggest that Mr Bukovsky's writings were knowingly false or distorted.

Government, is spending £2m on renovating the Wigan Pier area to attract business and tourism, using the famous name as an aid. A little prematurely, according to the council, the regional tourist board has begun advertising holidays in Wigan, which Orwell might have construed as doublethink taken to extremes.

No one I met in Wigan bears the author a grudge. The council, working on a belief that say publicity is good, is busily turning affliction to profit.

## Editor should go, MP says

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## £400m cash aid closer for Airbus

The Government appears to be moving close to providing launch aid for the 150-seat Airbus A320, which seeks to give Britain and Europe a big share of the short-to-medium distance airliners market well into the next century.

British Aerospace, a 20 per cent partner in the Airbus consortium, is seeking £400m to get the new-technology aircraft off the ground, and a government announcement is expected when Parliament reassembles in mid-January.

The Department of Industry agreed yesterday that there was "much common ground" between the Government and the TUC after a meeting between Mr Norman Lamont, the aerospace minister, and a delegation from the TUC nationalized industries committee.

Airbus predicts that the A320 could win about a thousand orders by the end of the century at a current price of between £16m and £17m each.

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## 'Trade drain' caused by town parking shortage

Local authorities are coming under increasing pressure from town centre businesses to provide more parking space to stop the "trade drain" to suburban shopping centres.

The RAC has just completed a survey of parking meters which shows that despite an increase in revenue from meters from £55.8m to £133.47m over the past five years parking problems in the main towns have worsened considerably.

Mr Tony Lee, the RAC's director of public affairs, said: "While authorities have introduced new measures to enforce on-street parking laws at meters and elsewhere, nothing has been done to increase off-street parking space to meet the ever-growing demands of motorists who now depend on cars more than in earlier years for personal mobility."

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The sculptor who has been invited by North West Arts to submit designs for an Orwell memorial is Mr Michael Sandie. He has read most of Orwell's work and will present his ideas in the new year. The sculpture will stand near the spot where that "tattered depressing" lodging house stood.

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## Universities plan to fight back in political arena

By Lucy Hodges, Education Correspondent

The committee representing Britain's university vice-chancellors is restructuring itself under the chairmanship of Lord Flowers, rector of Imperial College, London, so that it can better defend and rebuild the university system.

It has decided to stop being purely reactive, and to take the initiative. "We want to be more effective and hope thereby that we will have part of the instrument we need for rebuilding the universities", Lord Flowers said.

The university system has lacked an effective voice in the past and that lack has been felt keenly in the past three years when the sector has come under political pressure. The cash cuts were absorbed rather than fought.

More cuts are now being talked about and the University Grants Committee has launched a Great Debate at the prompting of Sir Keith Joseph, Secretary of State for Education, raising 28 questions, including academic standards. The universities are being forced to examine themselves and the committee of Vice-Chancellors and Principals wants to be in the vanguard of this examination.

Lord Flowers said that the committee hoped eventually to have permanent specialist groups looking at its relationship with schools, with the polytechnics and with the health service.

It has set up a group among the universities and industry and, as part of its decision to take the initiative, has established working parties on the alternative funding of universities and on the maintenance of academic standards, two subjects close to Sir Keith's heart. Those two groups will produce reports quickly.

The academic standards committee, chaired by Professor Philip Reynolds, Vice-Chancellor of Lancaster University, is beginning with an inquiry into the system of external examiners and whether it is adequate for guaranteeing the standards of examinations. It will also look at the supervision of PhD theses.

Lord Flowers hopes that out of this will come guidelines or a code of practice on external examining. The present system varies tremendously between subjects and between institutions.

The working party on alternative funding will look at the way in which universities are funded in other countries, particularly the United States, where companies get generous tax relief for donations to universities.

Colleges shake-up

Sir Keith gave his seal of approval yesterday to next year's plan for local authority education, which will almost certainly mean the closure of at least one college. In a written House of Commons reply, he said letters were being sent yesterday to local education authorities and institutions.

This is the first time this sector of education has been subjected to central planning. One key priority has been a shift from arts and social science towards the scientific, technological and business-related disciplines.

Pension warning

The National Union of Teachers, said yesterday that teachers would be very angry if they had



# PARLIAMENT December 19 1983

## Home Secretary hesitant over banning Provisional Sinn Fein

### TERRORISM

The Government has not ruled out the possibility of banning Provisional Sinn Fein, but there were no arguments in the Commons when questioned about his statement on the bomb incident outside Harrods store on Saturday.

He also said that preventive detention had been tried before and has been found to be unhelpful. However, the Government was keeping all measures under review.

Mr Brittan, in his statement, detailed events at Harrods on Saturday. He said that police had already received 22 similar messages earlier in the day about suspicious devices, all of this turned out to be false alarms.

The bomb was detonated by a timing device similar to that used in other IRA attacks. Everything possible was being done to bring those responsible for this outrage to justice.

He went on: The IRA made a statement last night in 'Dublin' in which they admitted responsibility for the attack, as well as for the bomb outside Woolwich barracks ten days ago. They also claimed that the attack was unauthorised and would not be repeated, and they requested the civilian casualties.

As I have said elsewhere, I find the disclaimer of responsibility utterly contemptible. (Cheers.) Those who place a bomb of this size in a street crowded with Christmas shoppers cannot evade responsibility in that way. Moreover, the bomb was timed to go off just at the moment when those investigating the situation were likely to be approaching it.

I totally reject the implied distinction between civilian and police casualties.

What has happened is that the IRA has found that the action taken by its members has caused universal revulsion and condemnation. It is a price of successful terrorism that they now try to try and disown it and claim that some kinds of brutal murder are legitimate and some are illegitimate.

The whole House will, I am sure, wish to join me in expressing a sense of outrage at what has occurred, sympathy with the victims and their families, and admiration for all those, including the police, fire, emergency services and staff at the hospitals, who have worked tirelessly and with devotion to deal with the aftermath of this monstrous crime.

Before this incident the Commissioner of the Metropolitan Police had already taken special action in Central London to counter recent terrorist threats. He had increased the number of police officers on traffic, crime and public

Rees: There is no point in detention

charged specifically with the task of responding to bomb threats anywhere in the Metropolitan area. These crews are patrolling 24 hours a day; they are able to respond swiftly to any threat received and to summon specialist help where necessary.

The Commissioner has further increased by 64 officers the number of dog handlers deployed, deployed 30 additional Traffic Branch officers, and increased uniform foot duty officers by 320 in the inner district.

He has also increased the number of CID and Special Branch officers by 320 in central London, and deployed a further 400 Special Patrol Group units totalling 120 officers in the inner districts. But particular care has also been taken to ensure the police against terrorist threats is fully maintained elsewhere in the London area during this period.

Public vigilance is now essential in order to give full effect to the extra measures I have outlined to increase security. Those who perpetrated this crime will already have learned that their action has in no way weakened the unshakable resolve of Government and public alike that violence will not secure its objective.

Indeed, if anything, an outrage of this kind makes our resolution and determination stronger than ever.

Mr Gerald Kaufman, chief Opposition spokesman on home affairs (Manchester, Gorton, Lab), after expressing sympathy to the bereaved and injured and praising the courage of the police, said: MPs and the people we represent are united in our utter and implacable determination to stand firm against the evil men who perpetrated this deed and who now, characteristically and conspicuously, seek to creep away from the consequences of their inhumanity.

Parliament will make no concession to the bully and the bomb. We welcome the additional security measures he has announced and earnestly hope they will grant a greater measure of safety to our people as they go about their lawful and peaceful occupations.

Every effort must and will be made to trace and capture those responsible for Saturday's outrage together with their fellow gangsters. All our people are aware of the risks we face. The IRA, the Red Hand Commandos or paramilitary groups on both sides of the divide. What we object to is murder wherever from or whatever the cause.

Mr James Molyneux (Lagan Valley, DUP): On behalf of the people we represent may we offer our deepest sympathy to the bereaved and injured? Will the Government remember that political parties in the Irish Republic and elsewhere share the objectives of the IRA and hope for the attainment of those objectives? Will the Government consider providing the incentive for continuing terrorism?

Mr Brittan: I note his observations about the political background. Mr Julian Amery (Brighton, Pavilion, C): While acknowledging the IRA and hope for the attainment of those objectives, the Government must not the best time to reach a cool appreciation of the situation, would he consider carefully with the Secretary of State for Northern Ireland whether there is now a much stronger case for the preventive detention of potential terrorists than has hitherto been thought to be the case?

Mr Brittan: That course has been followed in the past. Those who have been responsible for these matters concluded that its termination was desirable and its continuation unhelpful, but we will continue to keep all measures under review.

The Rev Ian Paisley (North Antrim, DUP): The people of Northern Ireland can enter into real sympathy with those who have suffered through this terrible and diabolical atrocity. For the past 15 years they have passed through this long, dark nightmare.

The resolve of the Government today will be welcomed by the people of Northern Ireland. We trust that the same spirit that was exercised by the Government in the

long experience and the House will want to consider what he has said.

Mr Eileen Griffiths (Bury St Edmunds, C): Parliamentary adviser to the Police Federation, said: I thank the House for the tributes which have been paid to the men and women of the Metropolitan Police and welcome the measures that the Commissioner has taken to strengthen the anti-terrorist force in central London.

Would he review the resources available to the Special Branch and reject those who are seeking at this moment to dismantle the one arm of the police service that has a real possibility of protecting our citizens against this terrible plague?

Mr Brittan: There is no question of the Special Branch being dismantled. Mr Russell Johnston (Inverness, Na h-Eileanan Siar, Lab): I am tracking down the Reader Meinhoff gang in the Federal Republic of Germany the use of identity cards was indispensable in their capture.

Although we have a law which would put up with it if as a consequence it was more likely these evil men would be tracked down and brought to justice.

Mr Brittan: I would have no hesitation in supporting such a measure if I thought it would make a significant contribution to tracking down terrorists, but I am not yet persuaded that that would be the result.

Mr Hugh Fraser (Stafford, C): Could we be assured that any talk with either the military or political wing of the IRA, or the IRA, or Northern Ireland or elsewhere, will be blocked?

Mr Brittan: No such talks are taking place and no such talks will take place.

Mr John Hume (Foyles, SDLP): Not for the first time would I like to see the House for new words to describe an atrocity and there are not any more, they have all been used. As an Irishman I am ashamed, and I

After the statement had been repeated in the House of Lords by Lord Elton, Under Secretary of State for Northern Ireland, for the Opposition, said there was unity in expressing their abhorrence at an act which would take its toll in the annals of evil men.

He hoped that the Government (he said) is that the perpetrators of this vile crime should be brought to justice. Equally as we determined that not one drop of political vengeance should be gained by the shedding of this innocent blood.

Lord Harris of Greenwich (SDP) said he would be associated with the expressions of horror at the scale of this atrocity. There was no

all have a rebate since we all own the electricity industry?

Mr Walker: To assist Christmas good cheer, there is no possibility of electricity increases until the end of the winter. If there are increases, they will be below half of the very low current rate of inflation. On rebates, the correct thing to do is to get sensible financial targets and not get involved in the complexity of rebates.

Mr Orme: What were the arguments for the increased rates? These increases were arrived at when he was away in China. We were told he came back very angry.

Mr Walker: What happened in China when I was in China was what had been agreed with myself the week before as to the way in which we should approach the Electricity Council. As a person I am never angry. Whatever the result, and any views I have expressed, if there are any increases they will be well below the rate of inflation.

**Gas corporation target agreed**

Mr Peter Walker, Secretary of State for Energy, said he had agreed with the British Gas Corporation a financial target for 1984-85. The target is a 4 per cent increase on average net assets at current cost.

The performance objective is a 12 per cent real reduction, by 1986-87, against 1982-83, in unit cost of trading costs per therm of gas sold and used at seasonal normal temperatures.

Mr Geoffrey Lofthouse (Ponterford, C): Does Mr Walker expect a concession in the war on inflation to be made by the Gas Corporation, and who does he expect to be the victor? Mr Walker: I do not expect concessions. I expect happy, cheerful, contented dialogues. (Laughter.)

Committee for Freedom of Information, whose campaign begins next month. Mr Wilson, however, wondered if Sir Douglas's plan for an official information auditor was a device to 'contain' the need for a freedom of information Act.

Sir John Hoskyns, former senior adviser to Mrs Thatcher and arch-critic of the existing Whitehall system, believes that Britain is heading for serious difficulties when North Sea oil begins to run out, and that reform of central government is a necessary precondition of national recovery.

He said of the WASS lectures: "It is very encouraging that the debate is moving on, but I felt they lacked a sense of urgency because they did not set a context of the world and the direction in which Britain is going."

Sir Douglas disagrees: "I do not think these are desperate times. If they are, the country has been in desperate times since 1066. We have always been faced with the breakdown of law and order, and economic collapse. But our system has given us progress without blood-letting."

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believe my shame is shared by Irish people everywhere, that anyone could commit such an atrocity in the name of Ireland.

It is those who planted that bomb are Irish patriots, if those who provided them with the equipment and the plan are Irish patriots, if those who are members of the same movement are Irish patriots, then God save Ireland.

While the atrocity at Harrods was being committed, a young soldier and a young policeman were murdered in the Irish Republic while doing their duty, a member of the UDR was murdered in Northern Ireland and a young Catholic innocently going home was murdered. The incident at Harrods received international publicity, the murders in Northern Ireland did not. Murder there has become commonplace.

It is from Northern Ireland that the political cancer is spreading its tentacles and that represents that failure of Britain and Ireland to sort out their relationship. That failure has been pushed into a corner called Northern Ireland.

Mr Brittan: He is right in drawing attention to the wider dimensions of terrorism affecting Ireland on both sides of the border. The right course is to make it clear that what happened on Saturday will do nothing towards a solution.

Mr Martin Flannery (Sheffield, Hillsborough, Lab): I would join Mr Brittan in his sentiments. All Labour MPs share the horror at this barbaric act which slaughtered people who had nothing to do with the struggle. It just gives a malcontent and vicious twist to an intractable problem.

May I appeal that nothing be said which would give an incentive to any unofficial grouping which would try to engage in similar retaliation across the sectarian divide.

Mr Brittan: Any attempt at retaliation would be offensive, horrific and as much to be condemned as what happened on Saturday.

Sir Brandon Rhys Williams (Kensington, C): My daughter, who was sitting at Harrods and from what she was saying about the incident I understand that the security practice in the store was exemplary and might have contributed considerably to the saving of life.

Mr Brittan: The decision of Harrods to search the store and not to pour many people out on the streets saved a great many lives.

Mr John Wheeler (Westminster, North, C): The statement will be welcomed by the residential and business community of central London because of their determination not to be brought out of their homes or businesses and because of increased police support.

Mr Brittan: For us to be bombed out of our homes and businesses would be the greatest victory IRA could secure. We shall not allow it to happen.

Mr Clare Short (Birmingham, Ladywood, Lab): While we all join in condemning this vile and nasty act, will he not take action which could lead to escalating violence in

whole. Proper cover would be maintained at all times in all places. He hoped those supporting such organizations as Lord Harris mentioned would indeed know what their money had bought. An American citizen was one of the victims in the outrage.

Regarding the possibility of banning parking outside major stores during the Christmas period, the Commissioner decided to recall the decision and to believe that this would assist in reducing the risk of terrorist bombs in London.

Lord Elton (Ind): The IRA are the enemies of us all in these islands, both in Ireland and in Britain. Perhaps now would be the time for the Government to take into account the legitimacy or otherwise

of the so-called provisional Sinn Féin political organization.

Would the minister accept from me that the provisional Sinn Féin and the IRA are one and the same thing?

The so-called member for West Belfast (Mr Gerry Adams) had refused to condemn those responsible for the London bombing. If the Government decided to recall the decision of Sinn Féin as they should be treated as the IRA it would have the overwhelming support of the people of Ireland and Britain.

Lord Elton said the possibility of Sinn Féin being considered by ministers and Mr Fitzgerald was giving thought to the same thing at the same time.

Protests at cancelled contract

SCOTLAND

The cancellation by British of its contract with Scot Lithgow for a semi-submersible drilling rig was the subject of exchanges in the Commons as MPs sought either to encourage debate or a statement by a Government minister.

Mr John Biffles, Lord Privy Seal and Leader of the House, said the matter would be pursued through the usual channels, the procedure for arranging the business of the House.

Mr Norman Geddes (Greenock and Port Glasgow, Lab) was first to raise the issue when he unsuccessfully sought an emergency debate on the cancellation of the contract which, he said, had been announced just an hour and a half ago.

It will be the last inevitable to Scot Lithgow in consternation. This contract must be renegotiated within the next two or three weeks or it will be lost for ever.

Mr Donald Dewar, chief Opposition spokesman on Scotland, rising on a point of order, called for a statement from a responsible minister, either the Secretary of State or the Department of Trade and Industry, before the Christmas recess.

He said the whole future of Britain in a key area of high technology in the North Sea was at risk.

Mr Bruce Milnes (Glasgow, Govan, Lab) called on Mr Biffles to make some response to Mr Dewar's point of order.

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Peace lessons find a place in school

By Lucy Hodges, Education Correspondent

Peace studies are taught in schools in many education areas, according to a survey carried out by Lancaster University.

The research, shows that 11.8 per cent of Conservative and 30.6 per cent of Labour councils have peace studies on the curriculum in their schools. In addition to that 47.1 per cent of Conservative and a third of Labour councils included peace studies under other topics.

The survey was carried out by Dr Paul Smoker, reader in peace and conflict research at Lancaster University and director of the Richardson Institute for Conflict and Peace Research, and Professor Hanns

Fred Rathenow, professor for social studies at the Berlin Technical University.

Of the 125 United Kingdom authorities, 93 replied to a questionnaire or sent a letter, but only 62 provided sufficient detail to answer the main questions.

The main difference between Labour and Conservative councils came in whether a working party had been set up to discuss a peace studies curriculum. None of the Conservative councils in the sample had done so or intended to do so, but 27.8 per cent of Labour councils had set up working parties with a further 5.6 per cent preparing to do so.

**Driving ban on baronet**

Sir William Pigo-Brown, who was arrested for a drink and driving offence in his Mercedes at 4 am, was fined £150 and banned from driving for a year at Hoveford Rd court yesterday.

Sir William, aged 42, described as a director of Eaton Mews, Belgrave, London, admitted driving with excess alcohol in his breath at Lylly Street, Westminster, on December 15.

Woman Police Constable Sheila McMill said that Sir William failed the breath test when stopped for driving erratically, and a further test proved he had 54 microgrammes of alcohol in 100 ml of breath, 19 points over the limit.

## Government want 2% price rise

### ELECTRICITY

The Government has decided to introduce emergency legislation to compel the nationalized power industries to increase gas and electricity prices, Mr Peter Walker, Secretary of State for Energy, said in the Commons.

He revealed that at a meeting in the morning with Mr Philip Jones, chairman of the Electricity Council, he had put to him the Cabinet suggestion of a 2 per cent increase in electricity prices in 1984, representing a 2 per cent increase over 2 years. That compared with a 2 per cent increase in electricity prices every six weeks under the Labour Government.

There was no possibility of electricity prices going up before the end of the winter, he added, and any increase would be well below half the low current rate of inflation. The gas industry would be announcing their price increases very shortly.

In a clash over electricity and gas prices, Mr Stanley Orme, chief Opposition spokesman on energy, said that Mr Walker, should resign after losing the battle in Cabinet over an electricity price increase.

Mr Orme said: The Electricity Council does not want any increase. Industry itself needs this proposal like a hole in the head. Certainly the consumer does not want any increase. Above all, Mr Walker is opposed to any such increase.

There is therefore a major division in the Cabinet. The Prime Minister and the Chancellor of the Exchequer have carried the day. Their reason for this is that the increase is to make the cuts in taxation at the expense of the least well off in our society. Mr Walker should resign.

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### By Peter Hennessy

The big disappointment of the 1983 Keith lectures, delivered by Sir Douglas Wass, former Permanent Secretary to the Treasury, is that Mr Antony Jay, creator, with Mr Jonathan Lynn, of *Yes, Minister*, did not hear them.

"I find the public utterances of permanent secretaries so predictable and completely interchangeable that I have stopped listening to them", Mr Jay explained. "It has to do with Civil Service English. You have to squeeze all personality out of it."

Had Sir Humphrey Appleby, of the Department of Administrative Affairs, tuned in? "Humphrey would have seen a draft in advance and, having been invited to comment, would have removed all phrases that carried any meaning", he said.

That is not how Sir Douglas's own folk in Whitehall saw it. The Treasury, for example, was miffed at his suggestion that the Cabinet remained at a disadvantage on economic affairs because the Chancellor of the Exchequer "keeps his powerful

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### By Peter Henness







Hope is all but dead for many Lebanese. Every day sees a new boatload of them leaving their homeland; families who never want to see their country again, who have given up all hope. But in his concluding article from Beirut, Robert Fisk finds that kindness and hospitality still exist alongside the horror

# Escaping from the human zoo of hatred

The Lebanese are always talking about the need to get away from their despair, and at first you wonder why they don't travel into the mountains. True, the old watering holes of Bhamdoun and Aley are battlefields, but it is not difficult to find an excuse to go further north. There are US missiles at Aqoura, according to a leftist newspaper, so we drive off in the early afternoon, turning up from the Mediterranean and climbing into the Sierras where the air turns cold and the road becomes a frozen, muddy track.

Along precipices by the snowline the Laqlouq mountains appear on our left then twist round and return mischievously on our right until, across a little ditch, there is an entire Roman temple, the guttering off its roof, the hand-carved tablet of an Aurelian legion lying on its side. A Lebanese soldier offers us coffee in a damp tent he will be wearing an American marine uniform soon - all his men will - and he says it makes them feel confident.

We climb higher where the air gets rarer past Phoenician caves in the frost. There are no missiles. But then, there in the clouds on a plateau, we almost drive into a squadron of heavy tanks, hulls down in the mud, barrels pointing through the fog towards us, Lebanese troops across the road, rifles at the ready. How do you escape from Lebanon?

It happens all the time, this sudden contrast of light and darkness. It is June, 1982. The Israelis are advancing up the Arqoub and the incoming shells are vibrating through the ground, but when we stop to ask a man the name of his village, his young wife runs out and asks us into their home for coffee - good, kind people who demonstrate how strong are the ties of hospitality and generosity, even at moments of great danger. We sit in the darkened front room, staring at each other, listening to the shells slamming into the ground, smelling the cordite. How could such people allow Lebanon to slip so far?



Two little girls watch as palls of black smoke rise above a bombed petrol depot in Tripoli

## She complained my clothes smelt of death

Months later, further north, we are driving through the Bekaa, (rpt Bekaa), turn a corner and there are hooded gunmen across the road. Nothing is so concentrating to the mind as the sight of a man in a hood. Executioners wear hoods. One of them comes to the car window. His hood is a large glossy red bag with an open zip for his mouth and two crude slits for his eyes.

"British journalist," I hear myself say and he wants to know the politics of *The Times*. He starts a discussion, right there on the open road in his hood with his gun in his hand, on the ethics of press freedom. When I tell him the pen is mightier than the sword,

he smiles. I know he is smiling because through the slits I can see his eyes narrow slightly. We can go.

To the Lebanese now, this sort of thing is the presentiment of fear, that calculated moment when a country self-destructs and produces something quite dreadful amid the mundane and the beautiful. How does one otherwise account for a visit to Baalbek to meet Hussein Moussawi, whom the Americans suspect planned the October bombings?

A Lebanese who knows the road well claims that travelling from Baalbek to Beirut is like going from the jungle to the zoo. He's right. There was a man who turned up with a coffee stall outside the Chatila Palestinian refugee camp three hours after the massacre, knowing that those who had to 'bury the dead would be thirsty. Fifty pence a cup. Hard times.

They say that the children of Beirut need more and more psychological

help, though there are those who suspect it may be their parents who need assistance. We all suffer from bad dreams. After Chatila, I woke up convinced there were corpses stacked on my bed. In the morning Ayesha, my cleaning lady, who once protested about the din of shellfire while washing my floor, complained that I had been in the camps so long my clothes smelt of death. In a nightmare once, a jet flew right through my bedroom wall and out the window.

Most troubling of all are the unanswered questions. Nothing quite like Lebanon has ever happened before. Perhaps none realize this more painfully now than the army which came into the country so blithely and at such cost in human suffering in the summer of 1982. The darkness is closing over the Israelis, too, in Lebanon, and their fear is also palpable on the cold roads to the south, unsmiling, waiting to be attacked.

Then someone breaks the pattern and a soldier becomes a human.

Just south of Damour an Israeli is sitting on a office swivel chair atop a bank of earth, but he walks over to our car because he sees a colleague and his child in the back seat. The little girl is seven, and is mesmerized by the soldier's rifle. The Israeli leans into the car and shakes her hand. "My name is Isaac," he says, and you can tell he wants to be smiled at. We wish each other safe home. Long after the Israelis retreated out of Damour Isaac's chair remained perched on the earth-bankment. Now, when we are driving up the road through shellfire, we know we are halfway to safety when we see Isaac's chair.

Do the armies of Lebanon possess any poets to catalogue their journey down their long, profound dull tunnel? Perhaps we meet them. We are in the Chouf foothills and come across an Israeli armoured unit bivouacked

beside an olive grove. The officer shouts at us to go away, but one of the soldiers is very young, he has a big, open face full of friendliness and asks the girl travelling with me to take his photograph as he sits on his armoured vehicle. She does and he gives us his address, but when we later develop the picture it comes out a curious sepia brown and the young man's hairstyle looks strangely old-fashioned. His armoured personnel carrier, a relic of Cambrai rather than Lebanon. Is this really the young man we met? We send the photograph off to Israel and wonder if he is alive.

Is it only Lebanon that can turn Clausewitz on his head and make diplomacy the logical extension of war, a country in which political dialogue is a possible, though not probable, outcome of bloodshed, in which a group of bored, largely old men can meet at last in Geneva and conclude only that their country is Arab (then disagree afterwards)?

Each day now, a ship, a converted British Rail ferry called the "Earl Curline", steams past my window for Cyprus, butting into the winter storms off the Corniche. In the old days it carried the Lebanese who merely wanted to escape the war while the airport was closed. Now it is carrying many of them away forever, families who never want to see their country again, who have given up all hope.

## There are more portents of a titanic upheaval

From the boat, you can just see the old Crusader castle at Byblos, one of the oldest inhabited towns on earth where we still go on Sundays to sit in the Roman and Phoenician ruins. It is a gloowering autumn day and the rains have washed away the mud above the Byblos rocks. From the soft earth, we are pulling fractured pieces of old Greek jars with dark painting round the lips, and small bits of mosaic of delicate greens and whites and light reds. And then there is one distant red dot of gunfire from far to the south-east, from the Metn hills or the Chouf, and even the old curator who is watching us just away.

The titanic cannot be analysed. It is like that moment in *The Cherry Orchard* when Madame Ranevsky and her friends are packing and there is a distant breaking sound as if a cable in a mineshaft has snapped. You experience these moments more and more frequently in Lebanon these days. The portents of some titanic upheaval seem to come. In the past, we dismissed them. Now it is not so easy.

## Tomorrow The making of bestseller

This recognition of marriage as being strategic to demographic growth, has led E. A. Wrigley, Professor of Population Studies at LSE, and Roger Schofield to start work on a complementary volume to their important *The Population History of England 1541-1871* (Edward Arnold, 1981), which was an aggregate analysis: it counted the total of events - births, death and marriages - and was based on a study of 404 parishes.

Wrigley and Schofield's new work uses a different technique of nominative analysis which depends on being able to identify individuals in family reconstruction. Using the parish registers of some 20 parishes from 1538, when such records were first kept, until the mid-nineteenth century when the census started to schedule individual households, the authors have selected places which represent as wide a spectrum as possible. They are studying remote, upland agricultural parishes, where the economy was being transformed by proto-industrialisation, and also small market towns, to trace changes in the institution of marriage in the early modern period.

Why does housing vary from region to region? Why were self-contained houses or cottages or terraces built in England and Wales whereas the pattern in Edinburgh and Glasgow was tenements? And what was the effect of this? These are the sort of questions social historians are asking as they turn their attention to housing - traditionally the preserve of the economic or architectural historian - in an attempt to get away from the view that housing is simply an investment in bricks and mortar.

Martin Daunton, in his book on working-class housing (1983) and John Barnett, in his research, see houses as the containers of social life and consider the articulation of space within them: the strict segregation in the nineteenth century upper- and middle-class houses between adults, children and servants, and the reintegration of this space in the twentieth century. David Englander charts the social conflicts that arise from housing in his book *Landlords and Tenants in Urban Britain, 1838-1918* (1983).

Juliet Gardner

## Home front handicap

War is too important a subject to be left to the military historians, and so social-history research continues to concentrate on the impact war has on society. The Social History Society conference in Sheffield in the New Year takes "War and Society" as its theme. Two of the plenary sessions will be taken up with the effects of "total war" - that is, war in which participation is not limited to those soldiers fighting, but involves the entire civilian population.

Dr Clive Emsley, of the Open

University, is using the model of Britain and France during the Revolutionary and Napoleonic Wars - arguably the first example of "total war" - to dispute this idea of the "participation by social change: women getting the vote, and increased job opportunities, for example, after the First World War."

Dr Emsley joins the growing band of historians like Martin Pugh at Newcastle and David Englander and Tony Mason, authors of *War and Politics: the Experience of Servicemen in Two World Wars*, which Macmillan are bringing out in the spring, who are sceptical of the participation-reward equation, are inclined to think that the First World War, far from advancing the cause of women's suffrage, retarded

## FINDINGS A series reporting on research Social History

it, and in general believe that the Poor Bloody Infantry remain the Poor Bloody Infantry in peacetime too.

### Cottage industry

A nineteenth-century artisan's cottage, belonging to Ruskin College, Oxford, houses the new History Workshop Centre for Social History. It is an appropriate home for such a venture. History Workshop was launched at Ruskin College in 1967 to encourage working men and women from the labour and trade union movements to engage in research and construct their own history and, although the movement has broadened its compass since then, its research has a particular emphasis on the experience of labour history, local history and oral history.

The Centre, which will organize seminars and research projects throughout the country, and will also work with centres abroad such as the Ecole des Hautes Etudes in Paris, the Max Planck Institute, Göttingen, and the Ragionieri Institute in Florence, will have the same aims as the History Workshop has always had: to eliminate the divisions between the "production" and "consumption" of history, to widen the scope and direction of history teaching in schools, to act as a social history research centre for part-time historians and local groups, and to associate scholars and researchers in collaborative projects.

Its researchers will continue the preoccupation with the history of gender division, family and home, and the Centre intends to become a focus for the study of the history cultures that go to make up Britain.

Cartoon catalogue A grant from the Leverhulme Trust has enabled the Centre for the Study of Cartoon and Caricature at the University of Kent to begin the considerable task of indexing and cataloguing the cartoons of that creator both of "Joan Bull", the new, modern woman of the 1920s,



Low's Joan Bull stifles a yawn in the cause of peace in 1929

and the last remnant of the British Empire spirit, the choleric Colonel Blimp. David Low, The Centre, set up 10 years ago, now houses more than 60,000 original drawings of cartoons published in the twentieth century, and the curator and Research Fellow, Jim Schoff, believes that it is not only political cartoons which are valuable sources for the assumptions of their age. Consequently the Centre has holdings not only of the work of such cartoonists as Vicky, Strube and Will Dyson, but also representatives of the social comments contained in Carol Day, the Flutters, Flook - and, of course, Andy Capp.

### Marriage factor

Historians used to assume that population growth in Europe was the result of rising birth rates and falling death rates. Now, however, it is recognized that the principal control on population growth has been changes in the institution of marriage. Unlike birth and death, the decision to marry was always sensitive to social and economic changes for in Western Europe, marriage and economic independence were closely related.

Living space Why does housing vary from region to region? Why were self-contained houses or cottages or terraces built in England and Wales whereas the pattern in Edinburgh and Glasgow was tenements? And what was the effect of this? These are the sort of questions social historians are asking as they turn their attention to housing - traditionally the preserve of the economic or architectural historian - in an attempt to get away from the view that housing is simply an investment in bricks and mortar.

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Juliet Gardner



Doctors dissect a corpse: a Hogarth drawing

## moreover... Miles Kingston

## Vintage words of 1983

Like everyone else, we've been asking personalities of 1983 to name their favourite reading matter from the last twelve months...

Lord Dacre of Halsbury: I was tremendously impressed by Attila, the Hun's personal journals, published privately somewhere in East Germany. They go a long way to showing that Attila was not just a military leader of genius, he was also a fine writer and linguist, as the diaries are written in perfect English on W. H. Smith reporter's note pads, which are not previously known to have existed at his time. Thrilling, extraordinary stuff, and I am privileged to have been able to see them, if only for two minutes.

I have also seen a book called *Good Times, Bad Times*, which relates such far-fetched people that I am bound to conclude it is almost certainly a crude fake. Thrilling stuff, all the same.

General Galtieri: My favourite reading has been the *Annals of the Argentine Law Society* (Vol XVII: Courts Martial). What a tale of injustices, of martyrdom, of wrongs unrighted! My only criticism of the book is that there is no mention of my own forthcoming court martial, which of course I shall be reporting exclusively for *Moreover*. So, stand aside, St Joan! Move over, Edith Cavell! I also very much enjoyed the memoirs of Sir Harold Evans, whose junta fell at about the same time as mine.

Dr Sir Roy Strong, VA and bar: I was absolutely bowled over by the first book of photographs by Prince William, probably the best of the current crop of royal photographers. Of course, the Royal Family have always had tremendously talented male figures! Have you seen the Albert show yet? Breathtaking. Do come along. You'll easily get in. Any trouble, and just mention my name.

Oh, and I thoroughly enjoyed Harry Evans's latest thriller, *Murdoch Most Foul*. Geoff Boycott, taking to Rene McGriff Shumped. That is how I felt when I heard the news. The unbelievable news that shocked a nation. The news that I, who had served Yorkshire man and boy for over 1,000 years, was being dropped like an old sock that the dog no longer wants.

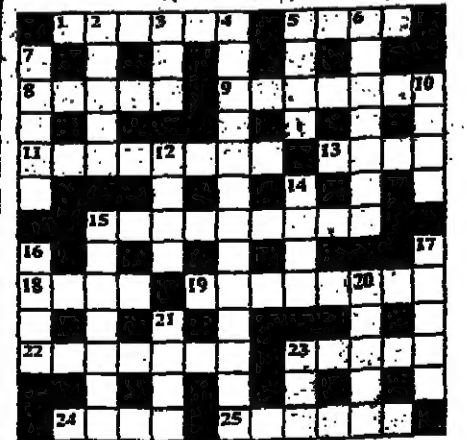
As my mind slowly took in the unimaginable, I thought of other great misunderstood heroes of our time. I thought of the books I had enjoyed so much this year by Peter Hall, General Galtieri, Desmond Wilcox and others, and I felt I was not alone. I also enjoyed Harold Evans's account of life at the top, *250,000: Things Declared*.

Lord Peter Hall of the National: I have had no time this year except for the writing and reading of my own diaries, but my goodness what an achievement! The scope and vision of this epic work encompasses today's troubled world as does no other work of art except perhaps *Seberg*, for which seats are still available. Curiously enough they both share a central figure, martyred and misunderstood by inferior forces. I wonder if my diaries would make a good musical? Well, stranger things have happened. Especially at the National.

I have also enjoyed Nurse Harold Evan's autobiography, *Journalism Is Not Enough*.

Sir John Betjeman: Goodness, what a startling query! Which new volumes have I read? Well, these days I get quite weary. And I spend my time in bed. Ever since one Frank Delaney came to see me at my home. A smiley chap, not very brave. Much more frank than I am. He asked me just like a child, how West was and what the book was a snap of me, quite ironic. On the cover, if you look. Well, I'd better recommend it. If he needs a few more books. So buy it for yourself, or send it through the post to Uncle Rob. That is all, I think - good heavens! One huge book I can't forget. Written by a chap called Evans. But I've not begun it yet.

## CONCISE CROSSWORD (No 228)



- |                            |                          |
|----------------------------|--------------------------|
| ACROSS                     | DOWN                     |
| 1 Japanese battle cry (5)  | 2 Advantage (3)          |
| 3 Take off (4)             | 4 Fastening device (3)   |
| 5 Trudge (3)               | 6 Introverted (13)       |
| 7 Drinking glass (7)       | 8 Mute (4)               |
| 9 Mistaken idea (8)        | 10 Unsound reasoning (7) |
| 11 Willingly (4)           | 12 Learner (5)           |
| 13 Transference (9)        | 14 Ring (4)              |
| 15 Fully developed (4)     | 16 OC's gown (4)         |
| 17 Dutch spirit (8)        | 18 Reader (4)            |
| 19 Knotted thread (7)      | 20 Unconscious (4)       |
| 21 Free from restraint (5) | 22 Characteristic (7)    |
| 23 Fatid (5)               | 24 Tot (4)               |
| 25 One or other (6)        | 26 Question closely (5)  |
| 27 Ignited (3)             |                          |

SOLUTION TO No 227  
ACROSS: 1 Peccadilloes 9 Ageless 10 Title  
11 See 13 Onto 16 Poor 17 Dimple 18 Solid  
20 Beam 21 Polite 22 Thin 23 Tara 25 Nib  
26 Fuzza 29 Achieve 30 Necessitate  
DOWN: 2 Ever 3 Crew 4 Doss 5 Lute  
6 Outwork 7 Jacob's staff 8 Greenyander  
12 Elclair 14 Odd 15 Emboli 19 Leisure 20 Rags  
24 Avert 25 Nape 26 27 Shut

A free new outfit for anyone too mean to serve Smirnoff or buy a new fairy.



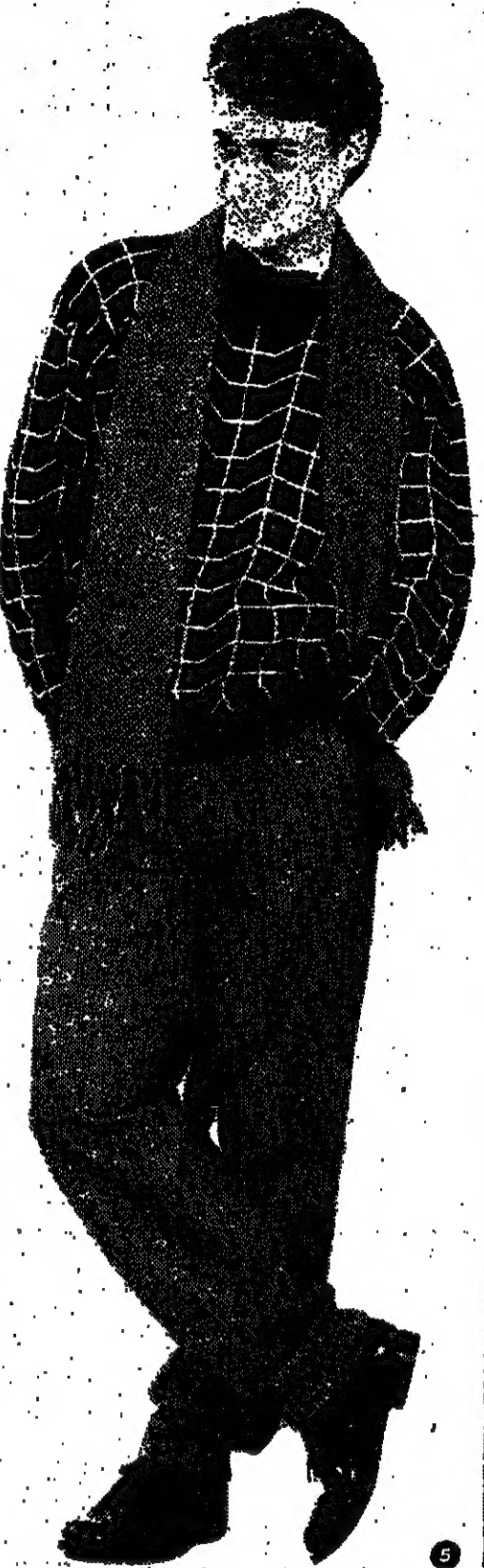
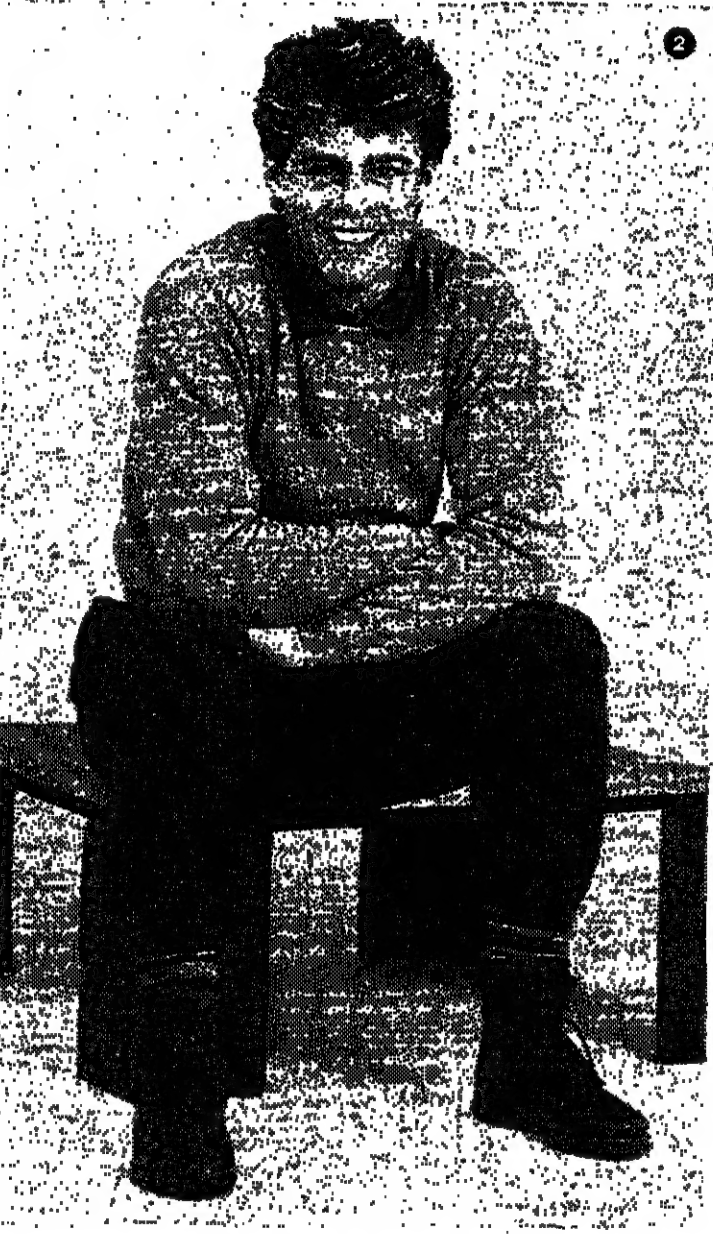
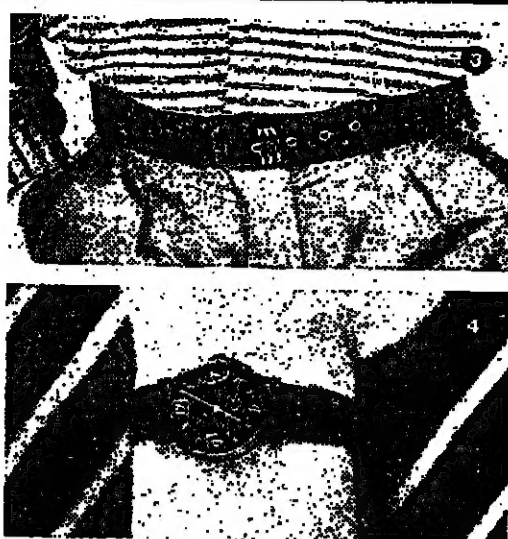
IF IT ISN'T SMOOTH IT ISN'T SMIRNOFF



# FASHION gifts for men by Suzy Menkes

- 1 Stained glass window patterned cardigan in loden, peat and petrol, £75 from Marcel Lassance Shop, Great Marlborough Street, W1. Also ice, St Christopher's Place, W1. Cookies, Walthamstow, E10. Raffles, Manchester. Cream brushed cotton shirt £25, cashmere tie £19.50, leather riding ribbed knit gloves, brown flannel trousers £49.50, all from Grey Flannel, 7 Chiltern Street, W1. Loden beret by Kangol £25.99 from Gee 2 Covent Garden, Marble Arch and SW3.
- 2 Denim blue polo shirt and ochre sweatshirt, both £17.50, brick red track pants £26.50, ochre/grey striped socks £2.25, all from (p.22), St Christopher's Place, W1. Leather desert boots £39.99 from Russell and Bromley.
- 3 Black rubber belt £14.95, grey and black woven ikat shirt £22.95 both from Sprint, 39 Long Acre, WC2, 58a Brompton Road, SW1, 90 and 95 King's Road, SW3 and Chelsea Man concessions Glasgow, Dundee, York, Coventry, Bath. Blue cotton trousers £39.50 from Gee 2, Long Acre WC2.
- 4 Black watch with fluorescent hieroglyphics by Laurens £45 from Paul Smith, 43/44 Floral Street, Covent Garden, WC2, 23 Avery Row W1, Byard Lane, Nottingham.
- 5 Graphic black and white sweater, also khaki/white £75, checked scarf £49, both by Giorgio Armani from Gee 2, Long Acre, WC2, Marble Arch, King's Road, SW3. Cotton dress shirt £10.99 from selected Marks & Spencer stores. Black silk bow tie £7.15 Liberty. Grey herringbone trousers with blue pinstripes £29.95 from Sprint, 39 Long Acre, WC2, 58a Brompton Road, and Chelsea Man. Patient face-ups £35, Hobbs.
- 6 Original 1950s paisley shirt £10 from Covent Garden shop, only, whipcord paisley waistcoat £39.95, cord plait waist trousers £42, studded leather belt £21.95, tortoiseshell glasses £20. All from Paul Smith, 43/44 Floral Street, W2, 23 Avery Row, W1 and 10 Byard Lane, Nottingham.
- 7 Navy suede slippers with gold imperial print by Jean Muir for Men, approx. £43 from Campus Group, Oxford, Nottingham, Aberdeen, Edinburgh and Glasgow, John Cotton, Glastonbury. Socks Liberty.
- 8 Oxblood leather brogues £29.99 from Hobbs sale, South Molton Street, W1. King's Road, SW3, Hampstead and Guildford. Socks from Liberty. Fleck tweed trousers £29.95 from Sprint, Long Acre, WC2, Brompton Road, SW1, King's Road and Chelsea Man.
- 9 Tan leather face-up shoes £39.99 Russell & Bromley, 24 New Bond Street, W1 and branches. Mixed tartan trousers £79, peach socks £5.25, Paul Smith 43/44 Floral Street, WC2 and branches.
- 10 Jean Muir for Men claret red moiré silk robe, also navy and grey, £250 from Harvey Nichols, Knightsbridge, SW1. Browns, South Molton Street, W1. The Campus Group Aberdeen, Edinburgh, Glasgow, Nottingham, Oxford. Matching moiré slippers by Jean Muir from Campus Group, John Cotton Glastonbury. White wing-collar dress shirt £39.95, paisley silk bowtie £9.75, silver ball cufflinks £11.95, all from Hilditch & Key, 73 and 37 Jermyn Street, SW1. Silk socks £8.95 Liberty. "Balfour" corner unit from Habitat.
- 11 Mustard wool chunky sweater £42, check scarf £5.50, rubber studded gloves £5. All from Paul Smith, 43/44 Floral Street, WC2, Nottingham. Irish tweed hat £19.50 from Grey Flannel, 7 Chiltern Street, W1. Tweed trousers £29.95 Sprint, Long Acre.

Fashion by CHRISTINE PAINELL.  
Hair by Gary at Molton Brown.  
Photographs by RUSSELL MALIKIN.



Knowing your own image is the secret of style and the essence of present giving. Buying for men is traditionally supposed to be difficult because there are fewer first class male gifts. But the conventional ideas - scarves, socks, slippers and sweaters - can have an edge of style. For men to buy themselves, or receive from their loved-ones, here are a sackful of ideas for Christmas.

**ACTION MAN**  
Whites Xmas... white jennis belt with Gucci motif £8 from Gucci, 27 Old Bond Street, W1. In the bag... heavy duty Barbour bags £19.50 from the Country Shop at Austin Reed, Regent Street and branches. Ski-mas... Carrera's wrap round goggles £23, curved black and white sports sunglasses by Porsche Design £40, both from For Eyes, 21 James Street, Covent Garden WC2, 16 High Holborn WC1, 97a Golden Square Road NW1. Feeling rosey... freshen up with Goya's soap on a rope (£2.35), Body Splash (£2.30) or the Cedar Wood After Shave Atomiser (£1.99). Wolf in sheep's clothing... stone grey ribbed Jacob's wool sweater £33.95 from Moss Bros, Covent Garden and branches. Order of the bath... Givenchy's blue and white cotton quilted wrap towelling lined £85 from Harrods. Low dives... Porsche's Ocean watch in iridescent titanium, waterproof up to 2,000 metres. Price £1,200 from the Porsche shop at Harvey Nichols.

**CHIC**  
Cutting a dash... Hilditch and Key's cut-away collars on neat flag-bright red, white and blue striped shirts, from £29.95. Extra cover... marbledized handle on the Aramis umbrella free with two or more fragrance purchases. From Aramis counters at Debenhams, Harrods, Selfridges. Bow peep... traditional foulard silk bow tie £25.50 and matching handkerchief, both from Alfred Dunhill Ltd, 30 Duke Street, Saint James's. Getting ahead with a hat... trilbies and toppers, bowlers and mobster hats, all from Moss Bros, Covent Garden.

Waist not waist out... burgundy lizard skin belt, also black, £65 from Alfred Dunhill, 30 Duke Street, Saint James's. Three piece sweet... elegant brocade waistcoats for day or evening suits £200 in fabrics to order from Tommy Nutter 18/19 Savile Row, W1. Reactionary chic... embroidered waistcoat, silk cravates, tapestry braces, top hats, tie pins and studs. All from stands at Antiquarius, 135-141 King's Road SW3.

**MODERNIST**  
Tough as steel... stainless brushed finish and gold plated bezel tie bar £25, Cufflinks £35. Millennium bold faced watch £325, all from Alfred Dunhill, 30 Duke Street, Saint James's. Earning your stripes... Van Heusen's 100 per cent cotton shirts with red, grey and white stripes and white collar, £23.75 from major stores. Geometric... alpaca mix geometric sweater with Alcantara trim £59 Selfridges. Skin deep... elegant silver and grey packaged Clinique's Skin Supplies for Men fitness and grooming products. From Harrods and major stores. Square face... Gucci's name round the face of a gold plated quartz watch with white, black or champagne face £195 from 27-Old Bond Street W1. Sock it to him... cotton and lisle fancy socks in a rainbow of colours £3.50 from Austin Reed, Regent Street and branches. Warm hands, warm heart... Armani's cashmere and leather gloves £30 from Browns, 27 South Molton Street.

**COOL**  
Vintage brew... silver and black thirties cuff-links £5 to

£10 from Paul Smith, 43/44 Floral Street, 23 Avery Row W1 and 10 Byard Lane, Nottingham. New geometry... Pringle's bright graphic patterned sweaters £39 from the sports department at Austin Reed. Spots before the thighs... Crolla's pink and white spotted boxer shorts, from a selection of fancy pants £11 from Crolla, 35 Dover Street W1. Heart on your feet... hand-knitted socks scattered with hearts in fondant colours £12. Multi-patterned Missoni socks £15. Both from Browns, 27 South Molton Street. Close shave... Gillette's stylish stainless steel and black Contour razor £1.20. Paisley prints... silk and wool

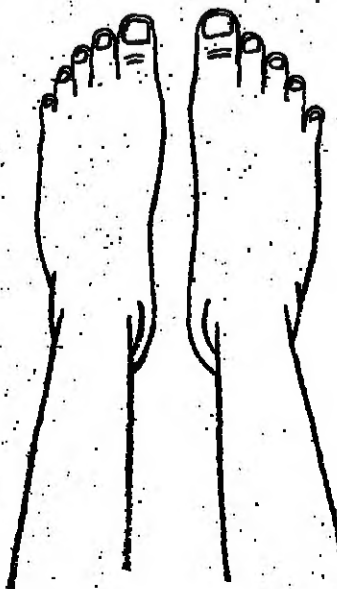
scarves £16.95 and matching bow ties £6.50 by Comfert. Armani silk turtl scarves £39.50. Both from Liberty. Hair-raising... Molton Brown's seaweed setting lotion £3.15 for 300ml from Molton Brown, 58 South Molton Street. Christmas stockings... red cotton socks with Xmas tree motif from a selection of fantasy socks, £11 from Crolla, 35 Dover Street W1. Boxing clever... Johnny Lamb's fantasy patterned boxer shorts, including dots, flowers and patchwork, £16 from Brown's Man's shop. Back to front... reversible

leather belts from £9.50, school boy stripes £4.95 from Jaeger. Poster paint bright... fringed lambswool scarf in 42 colours from fuchsia to cobalt £19.50 from Harrods. Night stripes... Liberty print fine striped tana lawn night shirt £33 from Liberty, Regent Street W1. Rainbow-coloured... watches in red, blue, yellow and black £18.95 from Austin Reed, Regent Street and branches. Holly and ivy... canvas and pigskin red and green striped belt £45 from Gucci, 27 Old Bond Street W1. Little black dressing... Anne Tyrrell's evening collection in Harrods After Six department is produced by Ronald Joyce.

## SHOPPERS' DIARY

Anne Beckwith-Smith, Lady in Waiting to the Princess of Wales, was reconnoitering the jewels at the opening of Hennell's new Bond Street shop on Tuesday. The glamorous young Duke of Westminster unveiled the stunning collection of jewels which included sapphires as big as the Ritz - a copy of a flower diamond necklace made by Hennell's for actress Joan Crawford in the 1930s. More discreet (and definitely more regal) was a diamond necklace that once belonged to Empress Eugénie and a drop pearl and diamond Russian tiara that attracted the enthusiasm of several of the guests including Lord Lichfield's wife Leonora and Anthony Andrews. Over in Fulham on Monday, I bumped into Princess Michael of Kent doing her Christmas shopping for another kind of jewelry at Ruler and Wilson. The princess in mauve tweed trimmed with lilac fur, was drawn to earrings of the same colour - part of the delicious collection of paste that twinkles in this Aladdin's cave of fashion jewelry.

We're not allowed to tell you anything about Winston cigarettes, so here's a couple of stocking fillers.



LOW TO MIDDLE TAR As defined by H.M. Government  
DANGER: Government Health WARNING:  
CIGARETTES CAN SERIOUSLY DAMAGE YOUR HEALTH

We wish to extend the Greetings of the Season.

Gifts that will be worn and cherished.

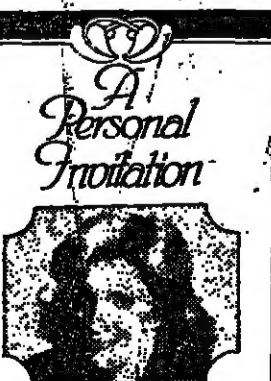
The Polo Ralph Lauren Shop

143 New Bond Street London W1  
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Come to our champagne evenings for men only (with women in mind) on the following dates:  
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Silks, satins and lace, created personally by Janet Reger. Beautiful lingerie - gift wrapped at  
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## THE TIMES DIARY

### For David read David

David Steel has not been able to find the time to address the Liberal candidates' annual conference at Trinity College, Oxford next month. After Steel turned down the invitation, Alan Watson, chairman of the Liberal Candidates' Association and the party's president-elect, asked David Owen, who accepted with his usual alacrity. However it doesn't look as if Owen is planning a takeover. Last Friday he spent £96.95 in Hachards of Piccadilly on a selection of books including William Manchester's *One Shining Moment*, two copies of *A Social History of England* by Asa Briggs and four of Nigel Calder's *1984* and *After*. He deliberated hard and long over a biography of Lloyd George but left without buying it.

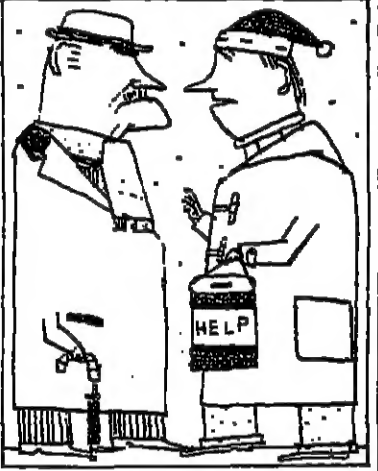
### Sacrifice for art

The Royal College of Art receives more than £30,000 a year from charging applicants an administration fee of £20 each to apply for post-graduate courses. Similar applications to the Courtauld Institute are free. The RCA says that, unlike the Courtauld, it has to pay "heavy postage" for returning portfolios out of London. The £20 fee is not returnable if you fail to gain a place; neither is the £2 charge for the prospectus.

### Off-target

A plan to twin with a local authority in Russia or another Eastern bloc country has been approved by Kirkcaldy Council, West Yorkshire. The idea, originating from the council's peace committee, is not universally appreciated. The Conservative group leader, John Holt, has said that if the council wanted to make a gesture to communist Europe it should twin with a town which, like Huddersfield, Kirkcaldy's biggest town, had been declared a nuclear-free zone. However, the Soviet bloc doesn't seem to contain such a town.

BARRY FANTONI



"I'm collecting for unwanted cabbage Patch dolls this Christmas."

### Not to be missed

Eileen Fairweather, this year's winner of the Catherine Pakiz Award, intends to break with tradition when she receives her prize at luncheon today. Instead of a modest "Thank you", Ms Fairweather says she is going to make a speech attacking sexist attitudes in Fleet Street. A case in point, she thinks, was the front-page treatment given to the Brighton boy who was sexually assaulted - "when a girl is attacked it seldom results in so much sympathy and offers of presents". Her own winning article was a piece on King's Cross prostitutes, which appeared in *New Society*. "It's not often", she says, "that a feminist is able to address a captive Fleet Street audience, but I hope to make my case in a reasonably charming and witty way".

### Mullin it over

In the readers' letters column of the current issue of *Tribune*, the editor, Chris Mullin, is angrily attacked for refusing to publish an article by Sarah Roelofs on a meeting between Sinn Féin and Labour Party women. One of several reproving letters carries 23 signatures. This is rough on Mullin, who insists that he didn't even commission the article in the first place. "I only discussed it."



● Oxford University Press has sent out a Christmas card with greetings in 22 languages. The Hebrew greeting is upside down.

### One-nil

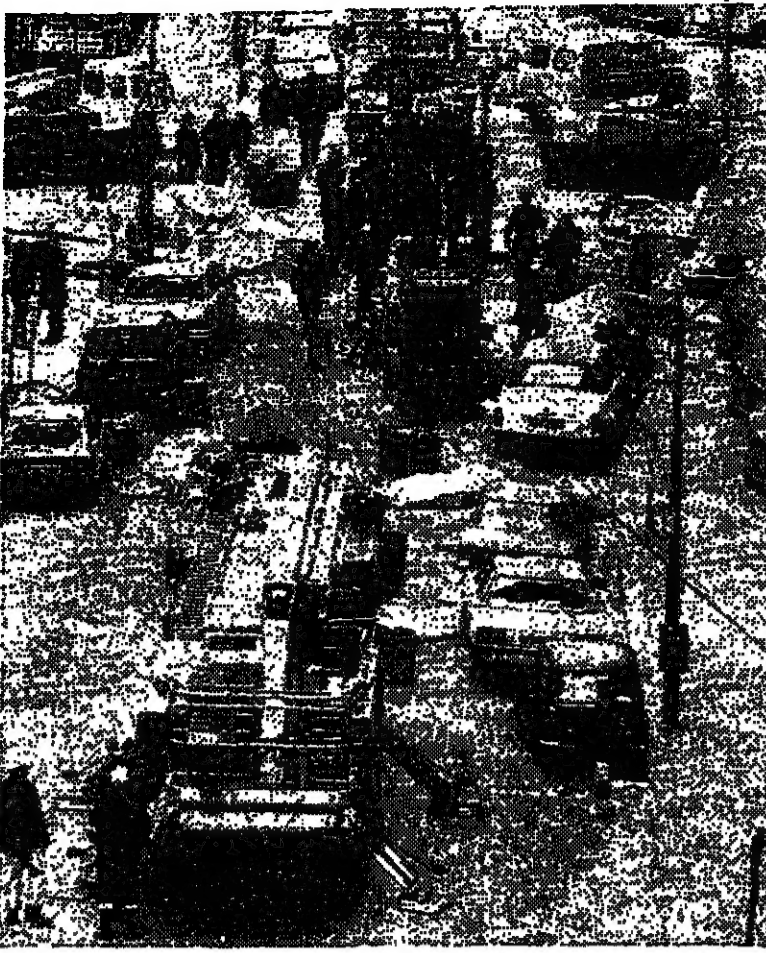
Throughout his 13-year career in the House of Commons, Eric Moonman, the former Labour MP for Basildon, never saw his name on an early day motion. Now that he is chairman of Islington health authority, the situation has changed: Jeremy Corbyn, Labour MP for Islington North, mentioned Moonman by name in an early day motion that is highly critical of the authority. Moonman thinks the absurdity of these motions is plumbing new depths.

A recent one put down by an MP for debate congratulated the winners of a football match. "Someone should look at the cost of printing this sort of thing," says Moonman. "It seems to me that if we're not careful, early day motions could be used as a substitute for a congratulatory telegram service."

PHS

# The bombers' blueprint

George Brock looks at the real aims behind the campaign being waged by the Provisional IRA



The day after... the car bomb at Harrods

Callaghan (who advocated an independent Northern Ireland in 1981), most groupings to the left of the Labour Party and a minority of delegates to the Liberal Party annual assembly.

Some Provisional killings have turned out to be "counter-productive" even by their own criteria - most obviously the Birmingham pub bombings of 1974, in which 24 people died. Public opinion appeared to stiffen against any concession towards republican objectives and the attacks were followed by the introduction of the Prevention of Terrorism Act.

The Provisionals have since developed the technique of the slow, relentless squeeze. In 1979, their spokesmen were talking of a politico-military campaign which would last 20 years or longer. This summer, one of them revised the estimate by saying that "we are not so sure that it will take that long".

Bombings and shootings happen at a rate which will gradually accumulate disillusion and the close of options other than withdrawal. For the Provisionals who direct, however vaguely, the sequence of attacks, this means only enough violence to remind people that they have not gone away.

It is a curiously cautious strategy, producing a haphazard and attenuated series of outrages. It relies for its effect on the passage of time. It is important for the Provisionals not to precipitate any kind of reaction or climax that will make their squeeze harder to operate. It is in their interest to make Northern Ireland "ungovernable" but not to start a full-scale civil war. Too many bombs detonated too frequently in London would provoke too much government interest and activity in Northern Ireland - a change which might not necessarily lead to withdrawal.

There are several tactical strands within the overall strategy. The Provisionals have established, and maintain, an effective veto on constructive political movement inside the province. Its commanders are careful not to let the rate of violence fall below that minimum which signals to the world that life remains abnormal. The occasional killing of unionist politicians such as Robert Bradford and Edgar Graham ensure that their surviving colleagues cannot do or say anything which might be vulnerable to the charge of appeasement.

Members of the security forces, and particularly local men and women, are assassinated at a steady rate. Such murders are intended to keep up the pressure on the unionist community, to discourage recruits from joining the security forces and to drive Protestants out of border areas. The news of the latest killing was almost obliterated by events in London: a part-time member of the Ulster Defence Regiment was shot dead in front of his 10-year-old son at Maghera, County Londonderry, early on Saturday evening.

The campaign in mainland Britain is aimed at politicians who, it is hoped, will one day tire of paying the human and economic price of staying in Ireland. After the peak of 1974-5, which included the Birmingham and M62 bombs and the string of attacks carried out by the men of the IRA, there was little Provisional activity between 1976 and 1981 (assuming that Airey Neave was killed by the IRA, who do not follow the dictates of Provisional strategy).

The present phase of bombings began two years ago, shortly after the end of the hunger strike, with the remote-controlled bomb aimed at a coachload of Irish Guardsmen. Bombings are effective morale-booster among the IRA rank-and-file and its leadership may have seen a need to make stronger gestures to their own followers after the hunger strike ended.

The role of bombs such as the one at Harrods within IRA strategy remains most accurately described by an anonymous spokesman for the organization interviewed last summer by the *Dublin magazine Magill*. "Our activity in Britain at any given time is dictated by our ability to strike there. It is still a target because we believe one bomb in Britain is worth 50 in Ireland. However, we do not intend to hold the British people responsible for their government's crimes in Ireland. Any attacks will be limited to the British political establishment and to military targets. And if there was a big growth in anti-war feeling in Britain we would have to revise our attitude."

Philip Jacobson on Washington's growing difficulties in El Salvador

## Will the death squads kill off US policy?

The message was considered so important in Washington that Vice-President George Bush was sent to El Salvador to deliver it in person. He chose the moment carefully - a state banquet in his honour. As Salvadoran politicians and army officers listened with varying degrees of outrage, Mr Bush warned quite explicitly that US aid to their hardpressed government is now seriously endangered by its utter failure to clamp down on the country's night-wing death squads.

When the American Ambassador to El Salvador said much the same thing in public about a year ago, he was swiftly censured by the White House and subsequently lost his job. Mr Bush went out of his way at the banquet and a press conference which followed to stress that his blinding attacks on the extreme right had prior approval and full support from President Reagan. What's more, the Vice-President declared: "It isn't just the President or me or Congress. If these death-squad murders continue, you'll lose the support of the American people, and that would indeed be a tragedy."

In abandoning its previous, largely fruitless policy of "quiet diplomacy", the US has publicly shifted responsibility for rounding up the killers and the men behind them squarely on to the Salvadoran authorities. As the new American Ambassador, Thomas Pickering, told local businessmen the other day: "We are certain that these individuals are as well known to the security forces as they are to us who have been in the country only a short time."

Officials at the American Embassy are busily leaking detailed information about particularly notorious police and army officers to foreign journalists. Mr Bush has also promised that the Reagan Administration will hunt down and execute Salvadorans who finance death-squad operations from luxurious exile in Miami.

Better late than never. Yet at the very moment when Washington is flexing its diplomatic and financial muscle in support of human rights in El Salvador, President Reagan has quietly killed off a law which provided the US with its strongest card in dealing with the Salvadoran authorities. Late last month he vetoed a Bill which would have renewed the Administration's obligation to certify to Congress every six months that the Salvadoran regime was doing enough to improve human rights to qualify for further military and economic aid.

Like his predecessors, Reagan guards presidential prerogatives jealously: he was known to consider the certification process too confining. But there had been no indication that he was preparing to torpedo it completely. The State Department certainly regarded certification as a useful, if limited, lever against the wilder fringes of the Salvadoran military. At the very least, it symbolized America's wish to help the defenceless ordinary people who provide the overwhelming majority of death-squad victims. It also provided encouragement for those Salvadoran officials and

soldiers who are struggling - often at grave risk to themselves - to make their poverty-stricken little country a better place for all citizens.

The jubilation with which news of the President's veto was received by the most extreme right-wing groups in El Salvador suggests that they see it as acknowledging that the US will never abandon its client government, however bloodstained. Diplomatic sources there believe that Ambassador Pickering was in favour of maintaining the certification process: only a few days earlier, he had denounced the death squads as "fascists serving the communist cause".

This episode can only reinforce the growing impression that the Reagan Administration is now floundering badly in El Salvador. The President, in particular, seems unable to decide his main objectives. In one recent speech to a group of schoolchildren in the US he suggested that some of the corpses which turn up daily in parking lots and ditches are actually victims of Salvador's left-wing guerrillas, seeking to undermine American support for the regime.

The guerrillas certainly have murdered government officials, local militiamen, occasionally right-wing politicians. But there is no hard evidence whatsoever to support Mr Reagan's theory, while virtually every Salvadoran - and every US diplomat in the country - acknowledges the direct involvement of the security forces.

Some of the key figures in the death squads have already been identified in US newspapers: the

much-feared Major José Ricardo Pozo of the Treasury Police; the intelligence chief of the national police; a provincial army commander; and Major Roberto d'Aubuisson, head of the Salvadoran constituent assembly and the far right's likely candidate in presidential elections next March. It is no secret that the Americans believe d'Aubuisson is closely involved with the murder squads for that very reason, he was recently refused a visa for a trip to the US.

What could the President have been trying to achieve by his dismissive remarks about death squads? State Department officials dealing with El Salvador were aghast at the undermining of their tough line on the death squads. The *Washington Post* accused Reagan of "going a long way toward giving the killer right a free hand and relieving the Salvadoran authorities of anything about their deeds".

A moderate Salvadoran politician considered that the middle ground, already fearfully risky territory, was certain to become even more dangerous. With US military advisers in despair at the failure of the guerrillas on the battlefield and the crucial presidential vote barely three months off, it is becoming increasingly difficult to discern any coherent policy in Washington.

Meanwhile, the bad news for Mr Reagan rolls in. Last week, the Salvadoran assembly finally approved an article for the country's new constitution which effectively

blocks the possibility of sweeping land reform. It was a triumph for the assembly's right-wing coalition, which has bitterly opposed US-backed plans for large-scale redistribution of farmland to the poor. It was also a triumph of blatant intimidation by the death squads. The political debate was accompanied by a ruthless assault on agricultural trade unionists and members of collective farms.

Nine members of one small commune (two of them pregnant women) were kidnapped, tortured and strangled the night before I was due to meet them. Their broken bodies turned up by another co-operative farm, a grim and unmistakable warning. They were exactly the sort of people whose votes are going to be crucial for the election of the moderate Christian Democrat's presidential candidate, the respected José Napoleón Duarte.

All Salvadorans understand - even if some resent it - that sustained pressure from the US offers the only hope of stopping the slaughter of innocent civilians. Duarte acknowledged as much during a speech in Washington last week in which he praised the US for sharpening its public criticism of the death squads. There is a chance that killings will increase during the election campaign, he warned. "The rightists will do all they can to discourage democracy."

Brave men like this, at the sharp end of US policies in El Salvador, have a right to expect consistent and unambiguous support from Washington.



Victim of a death squad: and the killings are likely to increase

Roger Scruton

## Laying down the law

The English legal system is rooted in common law, and decisions made by judges have led to an accumulated weight of tacit legislation which Parliament could overthrow only by destroying the basis of its own legislative competence. Some regret this fact, arguing that judges, since they are not elected representatives, ought not to make law. Others welcome it, arguing that judges, because they are not elected representatives, are competent to make law. No man becomes a judge merely by standing at the hustings and shrieking out his identity with a political party. To become a judge you need to know the law, and to have acquired long experience of its application in the concrete circumstances of human conflict. To become a member of the House of Commons you need no qualifications whatsoever.

At the same time, no judge can take the overarching long-term view of things which we expect (and occasionally receive) from Parliament. It would not so much optimistic as irrational to wish (with Professor Hayek) that all laws should issue slowly and piecemeal, from repeated applications of judicial reasoning. Although modern statutes are often hastily drafted, crudely debated, and ignorantly understood, it would be absurd to try to govern a modern society without a powerful legislative body able to dictate statutes to the courts.

But the dangers are obvious. How is Parliament to be controlled, and by whom? It is not enough to say: by the electorate. The electorate has a narrow choice between two or three major contenders, and is hardly likely to vote a government out of office for just this or that piece of legislative nonsense. Besides, by the time of an election, the damage may be done. Habits form quickly in politics and, as the history of industrial legislation displays, rights once granted to powerful bodies cannot easily be removed.

The obvious answer is that Parliament must be responsive to judicial criticism. One of the major virtues of the House of Lords is that it contains the highest judges in the land, who may influence the upper house to reject ill-considered legislation, or to introduce proposals for amendments. But valuable as this influence has been, it cannot suffice to correct the major defect of the House of Commons, which is its tendency to neglect the detail of human conflict in order to achieve a synthetic perspective, often guided more by ideology than by a concern for truth. The real test of law is in the courts, in confrontation with the human reality. Hence Parliament must listen to criticism, such as was offered on December 6 by the Court of Appeal in its judgment of the *Dimbleby* case. It was persuasively argued that the 1982 Employment Act contains a serious intellectual flaw which, properly exploited by management, would deprive unions of a power that they ought to have - the power to carry on a dispute with

an employer who has tried to slip out of it by changing his legal identity. Given the importance of judges in determining the character and conduct of our political process, how should a judge be educated? It is a wise multiple of English law that High Court judges should be chosen, not from the ranks of solicitors, whose long-standing personal relationship with their clients must inevitably conflict with the objective responsibility towards the law, but from the ranks of barristers, whose duty is to put the law on trial before the facts of human conflict, by making the best possible case for a particular judgment. And it is a further wise principle of our law - though one that is constantly threatened - that the two legal professions should be kept as far apart as is compatible with their constant need to cooperate.

The problem is therefore, summed up in another way: how should a barrister be educated? I do not mean after qualifying, when experience is his master, but before qualifying, during the years when he acquires his "formal education". There has been a tendency in recent years for the Bar Council, and its educational arm, the Council for Legal Education, to believe that the main ingredient in a barrister's education should be law. In 1981, therefore, following the report of the Oxbridge Committee, it was decided that nobody should read for the Bar who has not obtained either a degree in law, or the diploma in law offered by the City University and the Polytechnic of Central London as a postgraduate qualification. After all, if a degree in law is worth anything, it is to a barrister, and what better qualification could he have?

The prime-sighted view neglects the education of the barrister is also the education of the judge. Common law judges are legislators, with a refined and far-reaching political function, who must be able to perceive both the deadness of dead legislation, and the vitality of new legal solutions. Our common law owes its strength to the creative genius of judges who, by obeying their own doctrines and principles, have generally pursued a more consistent line than the knotty of human conflict that has Parliament. The greatest recent example of this creative genius - Lord Denning - did not read law at university, and displays in his judgments the broad education and culture which, by helping him to enter imaginatively into the conflict before him, have given substance and direction to his strikingly novel interpretations of the law.

How then should a barrister be educated? He needs imaginative understanding, literary competence, and common sense - gifts which some have thought to be acquired through study of the classics, some through the "practical criticism" of the Leavisites, some through philosophy, some through history, but none, so far as I know, through law.

William Safire

## Man with a cargo of influence

Washington This is the story of connexion. No hint of wrong-doing intended, just a demonstration of how a billionaire capitalist shipowner - who is also an adviser to the government of China - can gain frequent access to, and perhaps influence, a total stranger who is elected president of the United States.

Fleeing Shanghai when the communists took over in 1949, Yue-Kong Pao started a small trading company in Hongkong, bought an old coal-burning ship, and in 30 years built his stake and his genius for making connexions into a shipping empire to rival that of any Greek or Texan.

On the way he picked up a knighthood, transferred his political interest from capitalism to communism, Peking, and was seen two years ago as a takeover threat by Jardine Matheson, the Hongkong business and property empire familiar to readers of James Clavell's novels.

When Ronald Reagan became president, Sir Y. K. Pao applied his connexion genius. The trick was to cultivate Michael Deaver, the presidential aide who controlled Mr Reagan's diary. Pao obtained an invitation to the inauguration ceremony - an easy matter for one of the world's wealthiest men - and arranged an introduction to Deaver.

Soon after, Deaver found himself at a Washington dinner party with Sir Y. K. as a fellow guest. They met socially, Deaver recalls now, as if the social occasion had not been arranged for the purpose of furthering their relationship.

On June 12, 1981 - the same day that the secretary of state, Mr Alexander Haig, arrived in Peking - Deaver ushered Pao into the Oval Office to meet President Reagan. The meeting lasted three of four minutes, Deaver now recalls, minimizing its significance, and he cannot remember the subject discussed.

Reached by telephone in Hongkong, Pao recalls that the meeting lasted about 20 minutes. To a president whose lifelong support of the Chinese Nationalist government in Taiwan was a worry to the People's Republic, Pao the go-between remembers pointing out the need for closer relations between Washington and Peking. During the meeting, Pao the businessman could not resist asking if Mrs Reagan would launch one of his ships.

On September 16, 1982, soon after Reagan's turnaround on arms aid to Taiwan, Y. K. Pao was one of the guests at the White House state

dinner honouring President Marcos of the Philippines. That was the toughest ticket in town, but Deaver delivered. On March 3, 1983, at the dinner for the Queen in San Francisco, Y. K. Pao was there again.

On July 12, 1983, Sir Y. K. was again in the Oval Office. According to Larry Speakes, the White House spokesman, this was merely a handshake and a photograph, which is also how Deaver characterizes the visit. But Pao was reported by the *Far East Economic Review* 18 months earlier to have a large picture in his reception room of himself shaking hands with the President. He acknowledges this, and replies in a courteous if evasive manner - why all this detail? - that this visit to Reagan also lasted about 20 minutes, and concerned Mexico.

Deaver's largesse with access to the President has not gone unreciprocated. As advance agent for Reagan's Asian trip last month, Deaver twice visited Hongkong this year, once to scout it as a potential stop (lunch with Pao) and, after Hongkong was removed from Reagan's itinerary, for a lavish harbour cruise with 30 guests aboard Y. K.'s yacht.

Wasn't it somewhat presumptuous for a White House aide to take Reagan's reserve jumbo with 25 passengers plus crew to Hongkong for a dinner party? "It was on the way", says Deaver, who was going from Manila to Tokyo. In fact, it was 702 miles out of the way. "Frankly, I stopped in Hongkong to rest myself. We did some pretty hard work, and you've got to have some place to stop and rest before you go on."

An extra stop is not rest, but fun, costly to the taxpayer. For Y. K. Pao, whom Deaver credits with being the first to suggest that Reagan visit China - though that has yet to materialize - it was another great gain of prestige to have a presidential stop in his city for the sole purpose of its passengers cruising about on his yacht.

What does the story of this connexion teach us? Because both Sir Y. K., who may one day be governor of Hongkong, and Deaver, who may one day finish writing his diet cookbook, returned my calls, this essay has a benign tone.

This lesson is not merely that this is still a world where a poor man can make a billion dollars. Beyond that, he can reach out to hobnob with and perhaps influence the highest and the mightiest, if he has a genius for making connexions.

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## PRICE FOR THE JOB

A standard minimum wage, whether established by trade union agreement or official regulation, is a restrictive practice. Unless it is unenforced or ineffective through being set below the competitive market clearing rate, it results in the withholding of labour from that part of the economy which is subject to wage regulation. It denies jobs to those who seek employment in that sector, while reinforcing a coarctated monopoly, or at least a scarcity of labour in it, to the advantage of those already holding jobs there. The cost of this restrictive practice falls also on consumers unless they can turn to competitive product from factories which escape the restriction on wages - an opportunity which is not often available. It falls much more heavily, of course, on people who are excluded from seeking work in those sectors, though their decisions are seldom taken seriously into account. It is official DHSS policy, for instance, explicitly to discourage the unemployed from accepting employment at wages below those set by collective agreement. They are thus officially dissuaded from pricing themselves into jobs; and the people in Britain who thus suffer most from this restrictive practice, shown up increasingly in the analysis of the unemployed, are the young, the black and the unskilled.

Regulated minimum wages apply to more than 70 per cent of Britain's working population, while statutory wage councils set minimum wages for about another 15 per cent. There is also evidence that in some unregulated activities wages in practice are often linked to those set by trade unions or wage councils.

The major increase in unemployment in Britain cannot be understood without reference to these rigidities, to which trade union action has contributed both directly - through the closed shop and other restrictive aspects of wage bargaining - and indirectly through the influence it has had on government policies. Official attitudes to unemployment seldom take account of the element of wages in considering its alleviation, or how to cope with the poverty trap and the influence on employment of an over-rigid system of benefits.

In Britain over the past ten years there has been both a rise in real hourly earnings and a rise in unemployment, though the connection between these two is either forgotten or wilfully overlooked. In the United States, by contrast, employment has expanded by 17 per cent in the same period, while real wages have fallen, pricing more people into jobs, mostly in the service

sector. At last the moral appears to be getting through to the Government.

It started with Mr Lawson's recent paper to the NEDC, which, by indicating that growth in employment can be expected to predominate in the services, signalled an official end to the long-term obsession with the protection of manufacturing as the source of jobs and economic strength. That obsession held sway in the face of the secular trend in all developing economies away from manufacturing towards service industries and market service employment. The obsession, however, was not satisfied simply by subsidizing manufacturing as a means of easing the social pain of the economic transition to a more service-based economy. It reflected an abiding political belief - against all the evidence - that manufacturing was and should remain, the Holy Grail of economic strength.

Yesterday the Department of Employment published a research paper which proclaimed - as though in surprise - that the chances of young people finding work are affected by the level of pay they receive compared to adults. It followed a discussion paper from the National Institute of Economic and Social Research published in August which put its finger more firmly on the sore point of youth employment and training by revealing that British apprentices earn roughly three times as much relative to adult workers as do apprentices in Germany and Switzerland (60 per cent of adult wages in Britain, 20 per cent in Germany and Switzerland).

That distortion, said the authors, stemmed primarily from market imperfections caused by paying wages in excess of their market clearing level. It arose from minimum wage and social security legislation, public sentiment about what young people should be paid (though how that affected the attitudes of wage bargainers was not clear) and the exercise of monopoly bargaining power on the part of trade unions.

Here we come back to the trade unions and Mr Leon Brittan's speech on the closed shop delivered last weekend. The headlines concentrated on his statement that the closed shop, is itself, however enforced, a flagrant and fundamental denial of individual liberties. That is certainly a sound position of principle. But there is an equally important and urgent economic reason for dismantling it, which he put clearly later on in his speech.

"It has killed existing jobs and prevented new ones from being created. Those who use the closed shop to impose their own price

on their own labour do so at the expense of the profits needed for tomorrow's investment and tomorrow's jobs. And they do so, too, at the expense of all those who might otherwise be employed if the rigid wage structures and restrictive practices which such unions enforce did not apply. That is why there is nothing fraternal about the closed shop."

By November 1984, the trade unions will be required to submit their closed shop arrangements to a ballot among employees, with an 80 per cent minimum requirement. Under the Employment Act 1982 these ballots can be held earlier at the Secretary of State's discretion. The Government is said to be taking stock of that possibility. It should expedite the decision to advance the ballot to an earlier date.

Action on the wages councils should follow soon after, since in 1985 Britain will be able to denounce the ILO Convention which under a 10-year rule covers them. The Government has already recognized how these wages councils tend to price young people out of jobs and says that it is reviewing the matter. An early decision in 1985, should be followed by legislation.

The main legal privileges of the trade unions are derived from legislation in the late nineteenth century and early twentieth century when the conditions of the poor were the major topic of debate and it was widely held that the rich were somehow responsible for that condition. It was thought necessary to rectify the balance of power by extending the authority and immunity of collective action by workers in trade unions. By now it must be clear that the coercive and disruptive power of the closed shop, and the economic rigidities which ensue from it, have more than redressed that balance to the disadvantage of the unemployed and to the national economy as a whole.

In two other countries the effects and implications of wage regulation in adversely discriminating against people's employment opportunities have been clearly recognized for many years - the United States and South Africa. Their wage restrictions militate against black employment. How ironic it is, here in Britain, to listen to the arguments against rising unemployment particularly among the young and the blacks without any recognition from those trade unionists who are loudest in their condemnation of unemployment at the bottom end of the scale that the unions themselves are the principal architects of a system of wage restriction which makes that unemployment worse.

## Backing EEC with greater zest

From Mr Andrew Ross

Sir, As a concerned patriot I find myself thoroughly dismayed by the Government's continuing bluster over the price Britain should be expected to pay in order to remain a leading member of the European Economic Community. I understand, of course, that our national spirit, along with our industrial base, has decayed alarmingly in recent years, but it is surely pretty desperate when we cannot, despite massive windfall revenues from North Sea oil, find a few hundred million pounds to stake our claim to a leading role in shaping the political future of Western Europe.

The continuing health of the EEC is no less important to British interests than the continuing health of Nato. If we have really lost faith in the EEC then we should, as a corollary, have doubts about the role of our forces in Germany. I suggest we back the EEC with more zest.

Yours,  
ANDREW ROSS,  
182 Old Woking Road,  
Woking,  
Surrey,  
December 15.

From Mr Christopher Vajda

Sir, Whatever one may think of the purpose behind the European Parliament's decision to freeze the Community Budget rebate to Britain and Germany, one is treading on very dangerous ground in suggesting that, failing a solution by March, Britain should withhold part of its contribution to the Community Budget (as *The Times* leader of December 16 appears to be suggesting).

The legality of what the European Parliament has done can be tested before the European Court of Justice. It is, however, quite another matter unilaterally to withhold money that is lawfully due to the Community. There cannot be one law for her Majesty's Government and another law for the NGA.

Yours sincerely,  
CHRISTOPHER VAJDA,  
Avenue de Tervuren, 27,  
1040 Brussels,  
Belgium,  
December 16.

## US and terrorists

From Mr Melvyn Westlake

Sir, It is surely quite remarkable how little commotion has been expressed by Western leaders over the training, arming and bankrolling by the United States of terrorists intent on overturning the Sandinista government in Nicaragua. It is particularly surprising that the Prime Minister, Mrs Thatcher, has felt compelled to condemn such action, in the light of her known abhorrence of international terrorism.

No single act of foreign policy - not even the invasion of Grenada - has so manifestly undermined United States' claims to the moral high ground in international affairs and, by association, the claims of its allies.

With what credibility can President Reagan or Mrs Thatcher now revile the IRA, the PLO, the Red Brigades or any other terrorist group and their alleged backers, like Libya? Western policy in the international field has indeed sunk to a low level.

Yours sincerely,  
MELVYN WESTLAKE,  
The Orchard,  
Rhoda Road North,  
Thundersley,  
Essex,  
December 8.

## Sir Oswald and Jews

From the President of The Board of Deputies of British Jews

Sir, The allegation that Jewish attacks on Mosley were the cause of his antisemitism is like the suggestion that those who attack Satan are the cause of sin. My father was member of Parliament for Whitechapel and St Georges from 1931 to 1935. He constantly warned of the immediate and eventual effects of fascism, whether in its British or German or any other form. Certainly British Jewry fought Mosleyite fascism from its inception and whether or not they themselves were the immediate target.

A National Front leader once tackled me: "Why don't you Jews leave us alone?" he asked. "If you did, we wouldn't have to be anti-Semitic. We're busy enough dealing with the blacks!"

Plus ça change...  
Yours faithfully,  
GREVILLE JANNER, President,  
The Board of Deputies of British Jews,  
Woburn House,  
Upper Woburn Place, WC1.  
December 15.

## European elections

From Mr A. G. Mollett

Sir, The British electorate will be asked to vote on June 14 next year in the European Parliament elections. How many will actually exercise their right to determine who represents them in Strasbourg cannot be forecast, but I believe both the delay in setting the constituency boundaries and the continuation of the "first past the post" voting system for these elections will result in a desirous turnout.

## Home front on the point of collapse?

From the Director of the Catholic Housing Aid Society

Sir, Charles McKean's frightening comments on housing policy (feature, December 15) raise the spectre of a nation "with a growing rate of mortgage failures, houses collapsing in the streets, and with people on waiting lists having no prospect of being rehoused in their lifetime".

Unfortunately, he is correct. The present emphasis on home ownership is no solution for the millions who lack the money to buy. Nor do present policies provide less well-off home owners with adequate help with repair costs.

Cuts in public investment in housing have hit improvement grants for owner-occupiers as well as council-housing building. As the article points out, the owner-occupied sector now includes the majority of unfit houses and those in need of major repair. A significant increase in public investment will be needed to halt the deterioration of our housing stock in both the public and private sectors.

At the root of the problem, however, is the fact that owners are given no assistance with routine repairs, so that minor problems build up into major ones. Mortgage relief is both a patently unfair subsidy and an inefficient one. It gives inadequate help to those home buyers who need it, and unnecessary help to those who do not. It should be scrapped and replaced with a system of housing allowances which directs help where it is most needed.

If the Government seriously intend to avert the bleak scenario Charles McKean depicts they must

## Reviving Ireland Act

From Miss Hannah Quinn

Sir, A grim reminder of the necessity for a new initiative in governmental policy towards Northern Ireland has been the assassination of Dr Edgar Graham in the grounds of Queen's University in Belfast. Last month (November 14) *The Times* published a letter from another member of the university, Professor Cornelius O'Leary, deploring the fact that a new initiative in Northern Ireland seemed low in governmental priorities.

It is not possible to revive the proposals contained in the Government of Ireland Act of 1920, which is still on the statute book and which provided for two separate states of Ireland, one in the south and one in the north? Each would have its own governmental powers, but could also work together in an "All-Ireland Council" of Ireland to which both states would send representatives, with the further provision that the council could become an All-Ireland

## Prosecution by stores

From Professor Sir Thomas Smith, QC, FRSE, FBA

Sir, I refer to the correspondence in your columns regarding prosecution of shoplifters by stores in England and in particular to the letters from Baroness Phillips (November 24) and from the Director of the National Association for the Care and Resettlement of Offenders (December 8).

In Scots law private prosecution is virtually never used and would be almost certainly not be permitted in cases of theft from stores. However, proprietors of stores and shops in Scotland have found that recourse to the civil courts provides a more effective remedy.

If they seek and are granted interdict ("injunction" in terms of English law) against persons who resort to shoplifting, this effectively bars such persons, under sanction of the civil law, from entering again premises protected by the interdict.

## Examination results

From Mr Max Morris

Sir, It would be a pity if the continuing argument around the validity of the Cox and Marks study strengthened the already widespread impression that the debate is about what kind of school system is best for Britain. It is about nothing of the sort. What is at issue is the superiority of one method or another of using statistics. In other words it is about statistical methodology, not education.

Examination results provide a limited amount of information about individual children in individual schools. Each child's results depend on a variety of complex circumstances and can only be usefully interpreted by those who know him. Each school is an institution peculiar to itself with its own educational lifestyle.

Examination results in bulk provide no basis whatever for

## Broken marriages and child ties

From Dr Mary Lund

Sir, I am writing in response to the Dean of Durham (December 6) who wanted information to confirm his intuition that two parents can contribute more than one to a child's development.

As he pointed out, there is indeed conflicting opinion and little fact about what benefits children when parents separate despite the numbers of children affected. However, two recently completed studies of children and divorce have begun to fill this gap in knowledge: one by Ann Mitchell at the Department of Social Administration, University of Edinburgh, and one by myself at the Child Care and Development Group, University of Cambridge.

Both studies showed children's wish to have a continuing relationship with both parents after marriage ends. There is no one universal, deleterious effect on children of their parents' separation. Rather it is the way parents resolve matters concerning the children after they separate that may help or hurt them.

If parents do not form some way of communicating which allows access without tension, or if one parent disappears completely from a child's life, then a child may suffer. Social problems at school and reduced academic performance can result. But if parents put their differences aside so they can communicate about the issues they have in common concerning the children, the children will thrive.

Parental cooperation, whether or not in marriage, is the key to children's healthy development. Surely, conciliation services for parents who are separating should be promoted to safeguard the wellbeing of the one child in five who now finds he will not grow up with both natural parents at home. Sincerely,  
MARY LUND,  
University of Cambridge,  
Department of Paediatrics & Social and Political Sciences Committee,  
Child Care and Development Group,  
Free School Lane,  
Cambridge.

## Trident costs

From Mr Humphrey Buckler

Sir, The news on your front page on December 14 that the cost of Trident would be increased by £1,375m due to the fall in the sterling-dollar exchange rate, is hardly surprising. What is surprising is that the article makes no reference to any measures by the Government to minimise the impact of changes in exchange rates.

Using your figures, sterling is now worth 60 per cent of its dollar value at the time the Trident deal was negotiated. Thus the British taxpayer will either get less defence for his money or funds will have to be found from other sources - eg. education, health, social welfare or rate support.

The rise in the value of sterling was the biggest commercial factor contributing to the Rolls-Royce crisis over RB211 contract. Rolls-Royce was bailed out by the Government and one would have hoped the lesson would have been learned.

A private exporter or importer having foreign exchange commitments will take every possible step to eliminate or reduce exchange risk. As taxpayers faced with this enormous bill we are entitled to know what steps the Government took to mitigate the exchange risk inherent in the Trident programme.

Yours faithfully,  
HUMPHREY BUCKLER,  
46 Blackheath Park, SE3.

## School performance

From the General Secretary of the Secondary Heads Association

Sir, Your report of social trends in today's issue (December 9) shows very significant increases between 1970 and 1982 in the percentage of school pupils gaining O level passes, particularly in academically rigorous subjects, in numbers staying on to the sixth form, and in numbers going on to further and higher education.

The other significant increase during that time, of course, is in the percentage of those pupils attending comprehensive schools. Perhaps your columnists and reader writers could turn their attention to that.

Yours faithfully,  
T. P. SNAPE, General Secretary,  
The Secondary Heads Association,  
29 Gordon Square, WC1.

## Missing the bus

From Mr William Barrett

Sir, May I suggest that your piece on vanishing buses (December 9) is altogether too gloomy? I realize that the comment of the general manager of Eastern Counties buses is special pleading, but why does he dismiss private operators and community buses as a forlorn hope?

Both systems are working in this part of Suffolk, where the population is probably as small and as scattered as around Swanage or Morley. Is it perhaps possible that we can offer advice to our northern neighbours?

Yours faithfully,  
WILLIAM BARRETT,  
Pip's Peace,  
Kenton,  
Stowmarket,  
Suffolk,  
December 12.

## Uneminent and trivial

From Mr Ben Weinreb

Sir, But Mr Kingsley Amis's minicab driver (December 17) might possibly prefer to chat to the uneminent Mr Philip Oakes. I know I would.

Yours faithfully,  
BEN WEINREB,  
16 Millfield Lane, N6,  
December 17.

## Status of whales

From the Chairman of Greenpeace International

Sir, I refer to Woodrow Wyatt's review of *Whales: A Celebration*, edited by G. Gatenby (Books, December 8) in which he takes the opportunity to criticise the activities of Greenpeace to protect the great whales.

World that his optimistic assessment of the status of whales, worldwide was true. Unfortunately, he seems to draw his conclusions from sources unknown to those who for years have been closely involved in the scientific study of cetaceans.

There are no reliable population estimates for the "ten major species", nor is there any evidence, with the exception of one or two particular stocks, that the whales are making any kind of recovery from

depletions, much less a "strong" one.

Sir Woodrow Wyatt's portrayal of the International Whaling Commission's record also suffers from inaccuracies. Under the jurisdiction of the commission we have seen population after population of whales, and even entire species such as the blue and humpback whales, hunted to near extinction.

Protection by the commission has often come only after the fact. In the case of the blue whale, for example, IWC did not provide protection until the fishery had collapsed totally.

We must again question Sir Woodrow Wyatt's knowledge of cetacean matters when he speaks of the "white Bowhead whale". There is no such thing; bowheads are black. The reviewer has undoubtedly confused the white whale (or beluga) hunt, which is not regulated

by the IWC, with the Bowhead hunt.

The regulations of tuna fishing in North America to which Sir Woodrow Wyatt refers have been weakened by well-financed industry initiatives. Tuna fishermen are free to kill even fully protected species of dolphins since these are not counted against their quota. Last year they reported a kill of more than the 20,500 allowed by quotas.

Lastly, I would like to point out that Greenpeace actions have never been of any danger to anyone except Greenpeace members and then only when whalers fire harpoons over them.

Yours faithfully,  
D. McTAGGART, Chairman,  
Greenpeace International,  
Temple House,  
25-26 High Street,  
Leaves,  
East Sussex,  
December 8.







## THE ARTS

## Galleries

## Light deceptive mastery

Walter Osborne  
National Gallery of Ireland

Islamic  
Bookbindings/  
Richard Doyle and  
his Family  
Victoria and Albert

Islamic Art and  
Design  
British Museum

Walter Osborne is not exactly a name to conjure with, even in Ireland, his native land. Or he has not been for upwards of 80 years, since his death in 1903, but the splendid show of his work at the National Gallery of Ireland in Dublin until December 31 (and then the Ulster Museum of Art in Belfast from January 20 to February 28) is bound to change his standing radically.

Osborne's complete eclipse is curious in many ways. He died young, at the age of 43, but he was not exactly unknown or even a very isolated figure. His formation as an artist was as international as that of any of his English contemporaries, such as Clausen, and he went through the same sort of evolution. Something of a juvenile prodigy, he won just about every prize in sight before leaving Dublin to train at the Antwerp Academy in its days of maximum influence, when he made contact with painters of the Hague School and a number of young English painters who were soon to be important. He went painting in Brittany, around Pont-Aven, in 1883, along with a host of other painters, and there came under the influence, then almost unavoidable, of Bastien-Lepage in his studies of peasant life and his technique of painting them. He then lived and worked in England until 1892, and built his career very carefully, showing regularly at the Royal Academy, becoming early an associate of the Royal Hibernian Academy, and being in at the beginning of the New English Art Club.

Thus by the time he returned definitively to Dublin he was well established, and continued to keep up his English and foreign connections. During his last few years he took up

portrait painting, and became beyond doubt Ireland's leading portrait painter (it was generally supposed that Dublin could support only one at a time). The year before his death he was offered a knighthood, but refused. After his death his painting *An October Morning* was bought as a memorial for the Guildhall Gallery by a group of painter friends and admirers which sounds like a who's-who of young British art at that time. And then, virtually nothing. When Pym's Gallery in London turned up three lovely Osbornes for their *Irish Revival* show last year, few visitors can even have known who he was.

But he was very definitely somebody. Seeing a lot of his work together, one can pick out a number of personal traits which distinguish him from the many others who underwent the same influences at the same time. He soon tired, evidently, of the constraints of the chills, Bastien-Lepage range of colours, and burst into a richness which owes little or nothing to the Impressionists. He particularly loves to construct a picture with the foreground shadowy and the background brilliantly illuminated by the rays of the setting (or occasionally rising) sun, and he has an extraordinary mastery of the shifting, deceptive light of an English or Irish landscape. Some of his portraits, particularly of women and children, are excellent, though there is some evidence that they were undertaken more from economic necessity than from free choice. It is only right and proper that the revival of interest in this whole generation should finally restore his work to the fame it deserves. Today Dublin, tomorrow the world.

In London, as I was remarking last week, most commercial galleries have settled down nicely to their Christmas shows, and it is left to the public galleries to be launching important exhibitions as near to Christmas as this - with the intention, of course, that they shall run happily on over the holiday and into the New Year. Bearing this in mind, the two major shows devoted to aspects of Islamic art do not seem quite so determinedly unseasonable. At the Victoria and Albert Museum there is an extraordinary display of Islamic Bookbindings (until March 4) and at the British Museum is the general show of Islamic Art and Design 1500-1700 (until February 19).

Both shows are the kind of in-house activity that the museums do so well, offering a valuable opportunity to see some of the less familiar possessions, and occasionally some of the more familiar, illuminated by being placed in a new context. The untold riches of the major London museums constantly amaze, and seldom more so than in the Victoria and Albert's bookbinding show, which actually puts everything the museum has in that line on display, to coincide with a lavishly produced catalogue raisonné of the collection by Duncan Haldane, even at £30 heavily subsidised by that admirable organization the World of Islam Festival Trust.

It is, in a sense, a didactic show, in that it sets out to tell us a great deal about the evolution of bookbinding in the main Islamic centres, particularly Persia, Turkey and India. We learn how it was done, with what tools, in what materials. Everything is there with a purpose, and some of the bindings, shown as more interesting than beautiful. But, for anyone whose historical interests are minimal, there is ample compensation in the sheer physical appeal of many of the exhibits, the exquisite marblings, the delicacy of the tooled patterns, the subtle and sometimes rich colouring of the later pictorial examples, elaborately lacquered, from Persia and Kashmir.

The heart of the British Museum show is a stunning collection of objects from the museum itself and the British Library, though there are loans also from the Victoria and Albert and the Chester Beatty Library in Dublin, as well as private sources. Again, there is a sort of didactic intent, since the exhibition sets out to show us just how the Islamic world grew together, how the three great empires, Ottoman, Safavid and Mughal, interacted and influenced one another, and what they all made of influences from outside, east and west. Some of the most intriguing exhibits, in fact, are the ceramics repaired, restored or imitated from Chinese originals, and the miniatures, derived from a variety of European sources already admired by Islamic artists and patrons. Again, many of the objects on show are of breathtaking beauty, but, for all the gasps of wonderment, one does



Osborne's affecting view of the child in Feeding Chickens

come away appreciating a lot more clearly just how, where and why all these wonders came about.

While at the Victoria and Albert, it will be well worth your while to walk through the newly assembled and arranged galleries devoted to *British Art and Design 1900-1960*: you will have plenty of time to do so, since this is a permanent display, and a source of amazement at the ingenuity of the museum's designers cramming a quart, if not a gallon, into a pint pot without creating too much confusion. But, if you are looking for truly reasonable

fare, the thing to do is to make your way to the Henry Cole Wing, where there is a wholly delightful exhibition devoted to Richard Doyle and his Family (until February 26).

No artist, not even I think Arthur Rackham, has been so completely at home with fairies, elves, sprites and all their kind and kin. Though Dicky Doyle himself did many other things - political cartoons, comic books about the adventures of three accident-prone bachelors abroad and so on - his happy and unquestioning knowledge of fairyland has been what most recommends him to

posterity. And, if you think it is easy to define and make convincing the proportions of a fairy queen or a malignant troll, look carefully at these unquestionably accurate records and think again. It also emerges that Dicky was just one of a whole clan of fairy-fanciers, including (though not ending with) his nephew Sir Arthur Conan Doyle, whose strange credulity about the notorious Cottingley fairy photographs makes an odd footnote to the show. Clearly, as long as there are Doyle's about, Tinkerbell will never die.

John Russell Taylor

## Television

## A real mystery

A Talent for Murder (BBC2) was clearly designed as a "vehicle" for Laurence Olivier and Angela Lansbury, although they could hardly have expected that they would be forced to get out and push it. It was an effort for everyone concerned, but especially for those of us who watched until the end: it was a "mystery" story, although the only real mystery was why it was televised in the first place.

Angela Lansbury was not so much made-up as embalmed, but since she was playing the part of a lady thriller-writer, the contemporary equivalent of the Wise Virgin, that was perhaps just as well. Lord Olivier had decided to use his high, quavering voice and on the many occasions when he exclaimed "My darling!" he sounded as if he were standing at the Wailing Wall. Sometimes actors seem to believe that they can rise above a bad or nonsensical play by being grand or excessively theatrical - it is called being an "old trooper" - but this play does not work on

television, where even the most talented performers can be reduced to the sum of their mannerisms.

Last night's drama was announced as a "co-production", which generally means that it is being directed primarily at an American audience but can be offered to the English during Christmas week, when we get into the habit of watching anything. It was not so much a "whodunnit" as "could it please be done as soon as possible?" Evil daughters-in-law and saturnaline servants kept on walking up to each other and saying "Why? Why? It's all so senseless!" on a set that resembled the circulating library at Harrods - although this drama's only connexion with literature was the line "There's a touch of Lady Macbeth in you". The guilty party was evident from the start: whoever at the BBC believed that this farago of stale clichés could be made at all.

Peter Ackroyd

## Rock

## Optimistic finale

Simple Minds  
Lyceum

Despite their long period of recording inactivity Glasgow's Simple Minds have ended their year with a flourish, a string of sold-out houses and the current hit single "Waterfront" paying tribute to the loyalty of a committed audience while also confirming the band's status as Scotland's leading group.

They began their first London show with a studied version of "Waterfront", an impressive statement of the band's confidence as a live force. Both this and the other new song, "Speed Your Love To Me", are indications of the Minds' mature handling of their material. They have arrived at a sound which manages to be portentous without being pretentious, one that has graduated away from its initial post-Roxy Music influence safely intact.

The centrepiece of Simple Minds' atmospheric approach is the graceful presence and cultured vocal contributions of the frontman, Jim Kerr. His felicitous dancing and clear range automatically draw the listener

into a carefully constructed web of emotional textures that move from the stirring "Glittering Prize" and "Up On the Catwalk" to the more introspective pieces like "King is White and in the Crowd".

Behind Kerr, Simple Minds display a rich array of instrumental colour. The synths and electric keyboards of Michael MacNeil are probably the band's secret weapon and the key to a constant stream of warm textures that allow the music to develop a sense of space.

It is the dynamics and pacing of Minds at their best which lend them a peculiar intensity. Although the guitarist Charles Burchill relies on effects to state the melodies he never resorts to rock clichés.

The high point of the evening was undoubtedly a cathartic version of "New Gold Dream" that meandered into a celebratory vamp of Al Green's "Take Me to the River". It was an optimistic finale to a highly satisfactory and stimulating night from Kerr and company.

Max Bell

## Opera in America

## The first ladies

The second half of the autumn season in San Francisco was distinguished by a parade of prima donnas, which included some notable "firsts": Mariyori Horne's first Dalila and Mirella Freni's first (Puccini) Manon; plus Montserrat Caballé's first America; Gisela, Katia Ricciarelli's first American Violetta, and Régine Crespin's first Grande Duchesse de Gérolstein on these shores.

The unquestioned prize was Manon Lescaut, conducted with passionate conviction by Maurizio Arena. Ermanno Mauro, as Des Grieux, was a wonder and a joy. He sang in a beautiful old-fashioned Italian tenor which he shifted skilfully from powerhouse to pianissimo. Vicenzo Sardone was a suave and sympathetic Lescaut. Renato Capecchi, compelling as always, a slightly overscaled Geronte. But Mirella Freni's Manon was the best I have ever heard. This is an interpretation in which every word and every note have been meticulously studied for the maximum (and authentic) dramatic potential. The whole has been integrated into a coherent and once vocally voluptuous and histrionically true.

Katia Ricciarelli sang her first

Violetta in this country with the same male leads (Alberto Cupido and Leo Nucci) she had in the Paris *Traviata* last year. Her vocal tone is still very sure and very sweet; softer, more long-breathed than ever, and more gently and movingly sung. But she seems to lack the easy agility and gusto necessary for the gay courtesan of Act I, performs in a very old-fashioned way, and persisted in slowing the pace of the music each time she took it over. Richard Bradshaw did a very unsuitable job of conducting.

Mariyori Horne's first Dalila was undertaken at the persistent urging of San Francisco's general director, Terence McEwen. He nurtured her career during his years at Decca, and is full of novel ideas of what roles his favourite singers should (or should not) undertake. Miss Horne had fears that the part lay too low and too heavily for her own exquisite coloratura-mezzo instrument, and for most of Act I her fears seemed to be justified. But the remainder of the opera justified her. Although she is still not one's ideal pagan temptress, Miss Horne had numerous occasions to display her gorgeous middle and high voice.



and her meticulous musician-ship.

Régine Crespin's *La Grande Duchesse de Gérolstein* is hardly "new" (after 163 performances in this production alone, it seems hers as much as Offenbach's). This faultless French production (originally staged for Toulouse) was a model of how to do Offenbach - with taste, grace and panache. Mme Crespin, playing a sort of pantomime version of her Marcelline, is the only "superstar" soprano I have seen who has totally mastered the style and wit of good opera - a minefield into which others have ventured to such joyless effect. She, and everyone, and everything else involved, made

Ricciarelli's Violetta: sure and sweet

of this an exquisite Gallic confection.

A splendid midseason surprise was the revival of Ponchielli's *La Gioconda*, a production so aggressively opulent and busy it became a US television hit (with Luciano Pavarotti) in 1979. Montserrat Caballé sang with phenomenal quality and intelligence. The great Spanish diva has come to seem primarily the stalwart guardian of a priceless, fragile jewel of a voice: one listens, spellbound, for each silver syllable or omnipotent blast - and looks to others for acting. Mariana Pajonova of Bulgaria sang Laura as a Torandot-style ice-princess, in a strange, steely-throated warbling tone I admired for its clarity and control.

Conducting and stage direction (Andrew Meltzer and Lofli Mansouri) held a fine cast together well, and the Dance of the Hours was of classical quality - the vastly improved opera ballet, in fact, was one of the most important steps forward in Mr McEwen's second complete San Francisco season.

David Littlejohn

Tristan und Isolde  
Teatro Comunale,  
Bologna

It ended, as it had begun, with Wagner seated at the piano and the Wesendoncks in appreciative attendance - a domestic drama that served as the worldly background to the dreams and ideals in *Tristan und Isolde*. Such is the framework for Yuri Lyubimov's first undertaking since directing his adaptation of *Crime and Punishment* in London three months ago, and his last before he returns to Moscow to face Soviet officialdom over the future of his beloved and threatened Taganka Theatre.

In common with the handful of other opera productions he has mounted in Italy in recent years, Lyubimov's first Wagner staging is original, controversial and extremely well-executed. He handles *Tristan* as both an escape from and an extension of Wagner's day-to-day circumstances at the time of its conception. So he is less concerned with *Tristan* as a mystical ideal of transcendental love or an expression of Schopenhauer's pessimistic philosophy than with its embodiment of the unstable romantic fantasy that has to be reconciled with grim reality.

He makes his point before a note has been sung: the three characters occupying the stage during the Prelude represent the triangle of relationships between Wagner and Otto and Mathilde Wesendonck, who put Asyl, a small property next to their own home in Zurich, at the Wagner's disposal when *Tristan* was beginning to take shape. The mantles of the two legendary lovers - in the form of cloaks brought on stage by two masked figures - are assumed by Wagner and Mathilde, who are gently kept apart by Otto in a slow retreat to a background silhouette. The production thus assumes its quality of real and ideal, as the love-world of *Tristan und Isolde* is developed in the chaste nineteenth-century terms of the Richard-Mathilde relationship - only to be intruded upon directly or as a giant looming shadow by König Marke in the

through which the two worlds interact. The emotional impact of events is not depicted in the polite and carefully spotlighted expressions of the main protagonists, but in a stunning series of lighting collages.

His use of masked figures is less successful. But their mirrored faces in Act III do afford a compelling reflection of *Tristan's* psychological pain, and Lyubimov's *coup de grâce* is to use two of the masks to depict the lovers' idealized remnant at the end of the *Liebestod* - giving the three principal singers time to resume their positions around the Wesendonck piano for the first curtain call.

As theatre, Lyubimov's approach succeeds hugely. The charge that he has abused the text does not stand close inspection, but he does appear guilty of exaggerating the influence of Mathilde and the whole Wesendonck episode as an inspiration for *Tristan*. Some Wagnerites will be disturbed by the importance accorded to Marke, and will find little or no illumination of the night-day axis in Act II.

The production's only serious weakness lay in the pit, where the playing lacked body and bite, thereby sabotaging the orchestra's role as a principal protagonist. Zoltan Pesko gestaculated his way through the score with more physical energy

than musical understanding, but he did keep well in touch with the stage and could boast the dubious virtue of allowing every word to be heard clearly. The Teatro Comunale, which is technically and acoustically better equipped for Wagner than most Italian provincial theatres, has imported most of the cast from West Germany. Wolfgang Neumann and Dagmar Trabert filled the title roles with tolerable accuracy but little beauty. Matthias Hölle made an outstanding Marke, and Livia Budal's Brangäne, for which her weighty dark voice is strikingly well-suited, also deserves a wide hearing.

Andrew Clark

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## ECO/Cleobury

Queen Elizabeth Hall

Those who avoid imitations and resolutely seek out the real thing among the myriad of Christmas concerts will surely have ended up at Sunday night's Elizabeth Hall concert, which brought the Choir of King's College, Cambridge, to London. They sang not only carols but Mozart's "Coronation" Mass, which they are recording, with a Handel Alleluia thrown in for good measure: an exhausting programme which came in the midst of preparations for the broadcast of their famous Christmas service of lessons and carols.

So it was not, perhaps, to be wondered at if their sound was slightly more pallid than one has come to expect. The threatening ambience of a full Elizabeth Hall scarcely offers the acoustical support of King's Chapel vault. But in the Mozart Mass one could only presume that no one at rehearsal had ventured towards the back of the hall to hear the balance of the choir against the English Chamber Orchestra: until restraining hands were waved in the Credo, the choir was swamped. It is also arguable whether such a clean, tasteful account serves this music best:

## Concerts

ECO/Cleobury

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Nicholas Kenyon

## Songmakers'

Almanac

Wigmore Hall

Vienna. Graham Johnson has shrewdly suggested in his latest programme notes, was Brahms's New York: an adopted land near enough yet far enough away, where words and music had lighter air to breathe and friendship and anonymity weighed in an easy balance. But his ideals and his two "angels of judgment", Clara Schumann and Elisabeth von Herzogenberg, remained in Germany.

The Songmakers on Sunday carried the songs and letters back and forth over the border in "A Viennese Requiem", a song portrait of Brahms in the last period of his composing life. With Anna Murray as the voice of Clara, Felicity Lott as Elisabeth, Richard Jackson as Brahms himself and Graham Johnson narrating and accompanying, songs were as cunningly as ever matched to words by specific reference and gentle allusion.

"Theresa", for example, sung by Felicity Lott, provided an entertaining little conversation piece as we eavesdropped on the critical correspondence, complete with musical examples, between Brahms and

Elisabet on its different versions. And then there was Schumann and his "An Anna", an early song, guarded and championed by Clara and Brahms and given a chill, rather literary performance by Mr Jackson. Better suited to his sharp-witted artistry was Wolf's "Abschied", taken here as a brilliantly vicious little comment on the Beckmesser-Hanslick-Brahms connexion.

Allusion ranged from the tenderness of Miss Lott's "Wir wandelten", a rapt vocal illustration of Clara as melodic muse, to Mr Jackson's bluff "Kein Haus, keine Heimat", with visions of Brahms slurping sardines from a tin at breakfast. *Carmen* was his favourite opera, and there was Miss Murray, bringing in turn languor and gleaming exuberance to two of the "Zigeunerlieder".

The 1890s approached, and with them the last songs prophetic of the death of the angels and of Brahms himself. Anna Murray, whose contributions alone would have made the evening worthwhile, gave minutely expressive readings of "Immer leiser" and "O Tod, wie bitter bist du". Part two of the Viennese Requiem turns to Alma Mahler, wife of Brahms's "king of insurgents", as the Almanac return on January 18.

Hilary Finch



# Fraser denies demerger

ACCOUNT DAYS: Dealings Began, Dec 12. Dealings and, Dec 29. Contango Day, Dec 30. Settlement Day, Jan 9.

in a firm mood with the FT index closing up 2.8 at 1621.1, but turnover remained low.

Much of the index's firmness was attributable to Bowater, the shares from New York Market funds believe the company may be a bid candidate.

Distillers was another cheerful market, rising 2p to 221p after news of a 5 per cent rise in the price of its export standard brands of scotch and an 8 per cent increase in its deluxe brands.

However, the market, which is looking for pretax profits of £190m, says the increase does not affect the important US market and is unlikely to have much influence on fourth quarter earnings.

The slightly stronger pound helped gains of up to 50p at the longer end in moderate trade.

Shares of Akroyd & Smithers, London's largest quoted jobbing firm, held steady at 455p after shareholders passed a resolution at an extraordinary meeting to approve Mercury Securities purchase of 29.9 per cent of Akroyd's shares.

The offer for Charterhouse Group and RIT & Northern by the new holding company, Charterhouse J. Rothschild, has gone unconditional after receiving acceptance totalling 80.8 per cent. RIT rose 2p to 236p, while the RIT Warrants, mentioned

in *The Times* last week at 72p, added a further 3p to 87p.

Michael Harland, a private investment company, has increased its holding in textile group AJ Worthington (Holdings) with the purchase of 205,000 for an undisclosed sum.

The Boots fan club continues to grow. Yesterday the shares rose 1p to a high of 185p after a presentation of the company to Scottish institutions in Edinburgh by broker Rowe & Pitman. Dealers in London said the meeting appeared successful, with several large buying orders reported.

Border & Southern Stockholder Trust has reduced its stake in Munford & White, the electronic security group, which joined the Unlisted Security Market last year. Border & Southern has sold 417,000 shares at 215p and now owns only 300,000 shares, or 9.30 per cent of the total. Munford's shares were unchanged at 225p yesterday.

Promotion House has received acceptance totalling 17 million shares (58.95 per cent) for its 11-for-30 all-share bid for Berkeley & Hay Hill. The bid, worth 10p, will not be extended. Shares of Berkeley slipped 1p to 9p on the news.

It now owns 422,000 shares, 21.07 per cent of the equity, and has secured a place on the board. Shares of Worthington rose 3p to 41p.

Drayton Consolidated Trust has been topping up its stake in Lincoft Kilgus Group, the cloth merchant and menswear manufacturer, and now owns 877,000 shares, or just under 20 per cent of the total. Lincoft held steady at 61p.

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House of Fraser, the department stores group, moved quickly yesterday to scotch rumours that it had finally reached agreement with its biggest shareholder, Lorrho, to demerge Harrods.

As the Knightsbridge store reopened for business after Saturday's bombing, the shares slipped 4p to 224p. Later they rallied to close at 230p, a gain on the day of 4p.

House of Fraser said there was no truth whatever in the speculation that it planned to rid itself of the biggest jewel in its crown. Attempts by Lorrho, which owns 30 per cent of Fraser, to push through a vote calling for the demerger of Harrods have failed. Some analysts believe a demerger could be worth up to 200p a share to Fraser.

The M&G Group, one of the city's biggest financial institutions, also denied yesterday that it was planning to sell its 17 million Fraser shares.

Dealers reported heavy demand for the shares yesterday and renewed call option business.

The rest of the equity market began the run-up to Christmas

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## THE TIMES 1000

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# FINANCE AND INDUSTRY

Executive Editor Kenneth Fleet

## General insurance groups look to their lifeline

The long drawn out battle for control of Eagle Star between BAT Industries and Allianz Versicherungs was drawn out a little further by the Takeover Panel yesterday.

In a brief statement the panel indicated that there will be a full meeting of its members tomorrow to consider the procedure which should be adopted to deal with rival offers. The Takeover Code was not designed to cover an auction which the sale of Eagle Star has become. It is therefore also a test of the Panel's ingenuity as well as its good sense.

The discussions which took place with Mr John Hignett, director general of the panel, concentrated on two themes. As *The Times* reported yesterday the favoured option is to arrange a one-day auction, after which there would be no further bidding for a specified period. Alternatively the two sides would be free to continue the bidding for a set period, say one week, beyond the present December 30 deadline.

Whatever the final decision the panel's delay in offering guidance to the companies involved and their shareholders is adding to the general confusion in the market where Eagle Star shares closed 12p higher yesterday at 731p. The delay is also damaging for Eagle Star's prized business.

The chances that Allianz will ultimately succeed appear to be improving. It does start with the enormous advantage of holding 29.9 per cent of Eagle Star's equity and the average price per share it would pay in making a winning bid is much more economic than the price BAT would pay for victory.

At another level, that of management, BAT would have nothing like the headache of Allianz. The German company's hope of justifying the acquisition of Eagle Star must rest in anything other than the long term on the efforts of the existing senior managers. Most, if not all, of them are now firmly identified with Eagle Star's stand against Allianz and it is not easy to see them harnessing themselves to the German wagon.

Of wider significance than Eagle Star's fate is the ripples it will cause in the British insurance pond, especially if Allianz carries the day.

## Pegi's Sou in demand

Mr Chooi Mun Sou arrived in London this morning and will play a significant part in the future of Britain's beleaguered tyre company, Dunlop. Mr Sou is the legal adviser and director designate for the Malaysian Pegi group, holders of 27 per cent of the Dunlop equity. He is here to attend a Dunlop board meeting on Thursday and will be hotly pursued by Sarasin International Securities whose proposed £40m cash rescue bid for Dunlop is dependent on Pegi's support.

Dunlop had been expecting Pegi to hand over £55m in cash for the remaining 51 per cent of Dunlop. Malaysian Industries, but that deal fell through last Friday. Pegi still owes Dunlop a further £43m for the Malaysian plantation interests. Although this deal was renegotiated in July a serious question mark now hangs over it.

Both sums would have had a favourable impact on Dunlop's debt mountain of £400m. That, and Dunlop's poor trading record under the outgoing chairman, Sir Campbell Fraser, prompted the £82m agreement with Sumitomo of Japan. Dunlop not only sold its European tyre operations, it also sold its 40 per cent stake in Sumitomo.

Pegi's senior executives so far have responded coldly to Sarasin's proposals but the Malaysians may not be as strong a position as they make out. The Malaysian Foreign Investment Committee is unhappy about such large sums leaving a country which is pursuing a local majority ownership policy for foreign companies operating there.

Even with Sir Maurice Hodgson in Sir Campbell's seat there is some argument whether a man of his stature and experience can achieve much unless he cuts away large pieces of the remaining business with the intention of merging or selling off a profitable residue. If that proved to be so, Pegi's interests might be worth far less than it thought.

## Scott Lithgow to challenge £86m oil rig cancellation

From Our Correspondent, Glasgow

British Shipbuilders' Scott Lithgow yard is to challenge yesterday's long-awaited cancellation of an £86m oil rig for a consortium headed by Britoil.

The rig, owned by Lloyds Leasing but contracted to Ben Odeco and Britoil, was due for completion in April. But it is only 30 per cent complete and already more than 500 days behind schedule.

The Britoil statement said four offers to renegotiate the contract had been refused and the obvious implication is that Britoil is blaming British Shipbuilders for forcing the cancellation.

In a terse reply to the announcement a Scott Lithgow spokesman said: "We do not regard it as validly given under the contract. We intend to challenge it and are examining the contractual position with our legal advisers."

He refused to discuss the basis for the challenge. But there will be no immediate lay-off among the yard's 4,500 workforce.

Mr Malcolm Ford, Britoil's joint managing director said: "We have done our best to cooperate with British Shipbuilders to help them overcome the problems. But given past delays and future uncertainties no client could expect to continue."

"We were prepared to contemplate a shipyard of up to 300 days beyond the contracted delivery date. But given past assessment is that it would take much longer."

The cancellation has placed Scott Lithgow's future in the political arena.

## Bankers cut back on credit

Basle (Reuters) - Banks have further reduced their credit lines to most foreign borrowers in the first half of 1983, reflecting the international debt crisis and stagnation of world trade, the Bank for International Settlements said yesterday.

The average length of loans also stretched out further, mainly because the banks refused to renew some short-term credits falling due and because they had to reschedule the debts of countries unable to repay.

The twice-yearly BIS report on international debts showed that the amount of credit which the banks of leading non-Communist industrial nations had pledged to the rest of the world but had not yet paid out fell by \$2.8 billion during the first six months of the year.

Total new lending to these countries at \$10 billion was only one-third as much as in the first half of 1982, a trend already apparent from earlier BIS quarterly debt reviews.

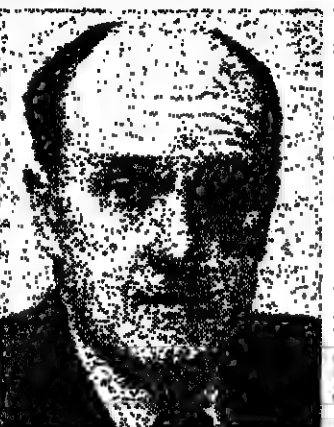
Eastern Europe's net indebtedness to the banks fell by a huge \$11.9 billion, or a quarter, between the end of 1981 and mid-1983. But the BIS said the rate at which banks were cutting back their exposure to these countries was slowing.

Worst off was Poland, where a significant volume of maturing short-term loans was not extended during the first half of 1983. Its unused credit lines fell to 4.3 per cent of its outstanding debt, the worst ratio of all problem countries listed by the BIS.

Most new borrowing by Brazil, the Third World's largest debtor, was for periods longer than two years, reflecting the rescheduling of its debt.

Mexico, the first big country hit by the debt crisis in 1982, was able to borrow about \$1.3 billion on a short-term basis. Further signs of its recovery were increases in its unused credit lines and its deposits with the banks.

Venezuela and Chile, however, received fewer short-term loans and their undischarged credit also declined. Venezuela's unused credit was down to 4.8 per cent of its debt, the lowest ratio in Latin America.



Successor story: Ronald Utiger (left) and Sir Brian Kellett

## Utiger takes over at TI

By Andrew Cornelius

Mr Ronald Utiger, deputy chairman and managing director of TI group, will succeed Sir Brian Kellett as chairman of the company next May. The appointment will take effect at the group's annual meeting.

Mr Michael Boughton, deputy group managing director, will become deputy chairman and group managing director (operations).

Yesterday's decision on the chairmanship of TI follows months of speculation over a successor to Sir Brian, who has been with the engineering and motor components group for 28 years.

Mr Utiger was favourite for the job when TI indicated that it was looking for a new chairman in autumn last year. However, the selection committee set up to find the successor lined up headhunters to seek possible candidates from outside. The main argument against Mr Utiger was age - he is 57.

But by tradition the top job at TI goes to the most experienced and able member of the existing staff.

Over the past three years Sir Brian has masterminded a big rationalization of the group which has seen the workforce cut by half to 32,000 and a change in the mix of its businesses away from the heavy end of the engineering industry towards consumer products.

## Airship plans cash call

By Michael Clark

Airship Industries is planning to ask shareholders to dig deeper into their pockets to support a big rights issue - the second in less than ten months.

The group, which hopes to introduce mass production airships in this country for the first time since the 1930s has joined forces with Mr Alan Bond, the businessman behind Australia's Airships Corp. to raise the money for the project.

Shares of Airship Industries were suspended at 99p yesterday amid growing speculation that the group was running short of cash. In February it announced a one-for-two rights issue at 140p to raise £5.6m this was quickly followed by a listing on the Unlisted Securities Market valuing the entire group at £17.5m.

Since then it has started a manufacturing subsidiary in Canada and received several firm orders, but losses have continued to grow. This led to speculation that another rights issue was on the way.

Airship's biggest shareholder is European Ferries with 15 per cent, followed by several institutions, including Royal Bank of Canada with 10 per cent, Commercial Union with 6.05 per cent, and Citicorp Capital Investors with 5.69 per cent.

### NEWS IN BRIEF

#### \$300m Qatar claim for arbitration

Arbitration proceedings begin in Paris early next year over a \$300m claim for damages against Shell and Whesoo, the process plant contracting group, by the Qatar Petroleum Producing Authority.

The claim follows a fire at the Umm Said natural gas liquids plant in Qatar in 1977. Shell was project manager and Whesoo a sub-contractor.

Whesoo, which reported increased pretax profits of £6.8m, against £6.5m, for the year to September 24, said there is nothing the company can do to provide against the outcome of the case. Even provision against 10 per cent of the claim would amount to the group's net worth.

Investors' Notebook, page 16

#### Sterling pulls back half a cent of losses

By Wayne Lintott

The pound managed to recoup half a cent to close at 1.4185 against the dollar in quiet trading yesterday, having been a further half cent higher earlier in the day.

The Deutschmark and Swiss franc also regained part of last week's losses as European foreign exchange markets kept trading to a minimum.

But the dollar once more began surging ahead when New York entered business in the later afternoon.

The Bank of England was not thought to have intervened on any significant scale, but in Frankfurt the West German central bank, the Bundesbank, sold a further \$52.75m in an effort to bolster its flagging currency.

The dollar once again finished at its best level against the mark at 2.7730.

The French franc fared slightly better, gaining a couple of centimes to 8.4515 to the dollar. The yen, still weakened by the Liberal Democrats' failure to gain a majority in the Japanese election battle, continued lower to 236.25.

Once again the prospect of higher US interest rates bolstered the dollar. Dealers said last Friday's US\$5.5 billion rise in the weekly money supply had been discounted, but today's meeting of the policymaking Federal Open Market Committee would be more significant.

It will indicate whether pressure is to be applied to bring rates down and cut the deficit.

## £315m gas project will benefit steel industry Go-ahead for North Sea pipeline

By David Young, Energy Correspondent

The Department of Energy has given approval for the development of an 180 mile-long gas pipeline from the North Sea Fulmar field operated by Shell and Esso.

The £315m pipeline would provide work for British Steel pipe manufacturing plant at Hartlepool. It is the eleventh big North Sea project to be approved this year.

The Department of Energy is also likely to give approval to development of the Beatrice "C" project before the end of next week, confirming previous government predictions that British industry will benefit by as much as £1 billion from a resurgence of activity in North Sea.

The approval for the Shell-Esso development of the Fulmar field confirms previous announcements by the two companies - they operate in the North Sea under a partnership agreement - that they will spend as much as £800m on the development of gas and oil fields by the end of the decade.

The Fulmar pipeline will involve construction of plant at the St Fergus base south of Aberdeen. It will also be used as the "spine" pipeline for the development of other North Sea gas fields which are now being considered by the oil companies.

The Clyde Field operated by Britoil will be connectable to the pipeline.

The pipeline has become viable because of taxation changes in the last Budget and by a hardening of natural gas prices paid to the oil companies.

The Minister of State for Energy, Mr Alick Buchanan-Smith, said yesterday: "I am keen to see companies themselves develop plans and invest in gas gathering. I hope that the British steel industry will take advantage of this project to build up its share in onshore construction work."

Shell and Esso had been told in advance that the Fulmar project would be given Government approval. Because of this British Steel has been able to avoid further lay-offs at its Hartlepool pipeworks and bring back men who had been laid-off.

Approval of the Fulmar development is a confirmation that the oil industry is being left to devise methods of bringing gas from the central sector of the North Sea.

An earlier proposal for a joint industry-Government gas gathering pipeline was abandoned after the Government insisted that the scheme should be financed outside the Government borrowing requirement without Treasury guarantees for loans already approved by a consortium of banks led by the Bank of Scotland.



Alick Buchanan-Smith

Smith, said yesterday: "I am keen to see companies themselves develop plans and invest in gas gathering. I hope that the British steel industry will take advantage of this project to build up its share in onshore construction work."

## Index hits record high

Selective support for blue chips held the various bourses up on the stock market yesterday. The FT index closed at a new high 2.8 up at 762.1. The previous record of 760.2 was set last week.

A rise of 9p in shares of Bowater to a new high of 254p was mainly responsible for the FT maintaining its momentum in these quiet conditions. Dealers are speculating that a bid from across the Atlantic may soon be on the way. Others to draw support included Grand Metropolitan 7p to 348p, while Distillers on 121p, Hawker Siddeley on 360p, TI Group on 464p and Vickers on 122p all added 2p apiece.

### STOCK EXCHANGES

FT index 762.1 up 2.8  
FT 100 index 82.64 up 0.30  
FT All Shares 653.5 up 1.04  
Dow Jones 19,280  
Datastream USM Leaders Index 95.08 up 0.15  
New York: Dow Jones Industrial Average (latest) 1247.97 up 5.80  
Tokyo: Nikkei Dow Jones Index 9,484.17 down 81.47  
Hongkong: Hang Seng Index 857.25 down 3.52  
Amsterdam: 155.4 unchanged  
Sydney: AO Index 755.7  
Frankfurt: Commerzbank Index 1018.3 up 10.2  
Brussels: General Index 134.48 up 0.61  
Zurich: SKA General 307.30 up 0.40

### CURRENCIES

LONDON CLOSE  
Sterling \$1.4185 up 55pts  
Index 82.1 up 0.2  
DM 3.8350 up 0.0050  
FF 11.9950 up 0.01  
Yen 335.25 up 1.75  
Dollar Index 131.2 up 0.1  
DM 2.7730 down 0.0047  
NEW YORK LATEST  
Sterling \$1.4170  
Dollar DM 2.7720  
INTERNATIONAL  
ECU 5.74682  
SDR 16.732164

### INTEREST RATES

Domestic rates:  
Bank base rates 9  
Finance houses base rate 9 1/2  
Discount market loans week fixed 8 1/2  
3 month interbank 9 1/2-9 3/4  
Euro-currency rates:  
3 month dollar 10 1/2-10 3/4  
3 month FR 14-13 1/4  
US rates:  
Bank prime rate 11.00  
Fed funds 9 1/2  
Treasury long bond 100 1/2-100 3/4

### GOLD

London fixed (per ounce) am \$378.65 pm \$375 close \$374.75-\$375.50 (\$264-\$264.50)  
New York (latest) \$375.50  
Kruggerand (per coin): \$368-\$367.50 (\$272-\$273.00)  
Sovereigns (new): \$98-\$99 (\$262-\$262.75)  
Excludes VAT

● Creditors of Court Line, the travel and shipping group which crashed in 1974, will receive a sixth payment of 2p in the pound early next year, the liquidators, Peat Marwick Mitchell, said yesterday. The payment brings the total payout to 20p in the pound, paid on total agreed claims of approximately £45m.

● Nigerian officials are meeting the Export Credits Guarantee Department in London this week about rescheduling or refinancing trade debt arrears to British exporters. An ECGD spokesman said exporters have been asked for and these are thought to total less than £1.5 billion.

● Argentina plans to raise tax on all imports by 1.5 per cent and to provide incentives for its exporters, according to a Bill published yesterday.

page 17

# Norcros p.l.c. pre-tax profit up 11%

Ken Roberts, Chairman, reports:

- Confidence in achieving the forecast pre-tax profit for the current year.
- Interim dividend up 10.6% to 2.3p.

Financial summary for the half year to 30th September 1983

|                             | 1983-4 Half year | 1982-3 Half year | 1982-3 Full year |
|-----------------------------|------------------|------------------|------------------|
| External sales              | £164.7m          | £166.4m          | £355.5m          |
| Profit before taxation      | £13.9m           | £12.5m           | £28.3m           |
| Earnings per ordinary share | 7.76p            | 6.51p            | 15.97p           |
| Sales per employee          | £24,666          | £21,642          | £24,049          |

Copies of the interim report and corporate brochure are available from:  
The Company Secretary, Norcros p.l.c., Spencers Wood, Reading RG7 7NT.





# Britannic Assurance in trust takeover

By Wayne Lintott

Britannic Assurance surprised the stock market yesterday when it announced an agreed all-share offer for the Midland Trust at a level equivalent of full net asset value, a hefty premium over the value ruling in the market.

The complicated bid basically values Midland at £8.9m against a pre-announcement value of £5.6m. Britannic already owns 33.3 per cent of Midland through its own holdings - it has been a shareholder since 1929 - and those of its pension funds. Coupled to irrevocable acceptances already received, Britannic has acceptances of 50.9 per cent.

Britannic is to offer enough of its own shares, down 8p at 450p, for each Midland, up 63p at 198p, to gain control when the bid goes unconditional. That means that Midland

shareholders will not know exactly how many Britannic shares they are to receive but on a rule-of-thumb calculation the offer works out at about one-for-two.

The precise terminology is Britannic Ordinary stock units - taken at 458p - equivalent to the value of 109.1 per cent of the net asset value per Midland Ordinary. The net asset value will be determined when the bid is declared unconditional to a precise formula.

A cash alternative is being provided through the adviser, S. G. Warburg, which will arrange to place any Britannic shares Midland shareholders accept for cash.

Midland is an authorized investment trust consisting entirely of shares quoted on the London stock exchange.

## COMPANY NEWS IN BRIEF

**Hampton Gold Mining Areas:** Six months to June 30, 1983. Interim dividend 1p (same). Figures in £000s. Turnover 6,189 (4,675). Trading profit 322 (248). Investment income and interest received 654 (504). Royalties 528 (227). Exploration costs 6 (249). Profit on investments sale nil (3). Pre-tax profit 1,523 (784). Shares 200 down 3.

**A Monk & Co:** Half year to August 31, 1983. Interim dividend 2p (1.5p) to reduce disparity. Company anticipates total for the current year of not less than the 6.0p per share paid last year. Figures in £000s. Turnover 52,000 (45,000). Pre-tax profit 1,137 (1,375). Tax 398 (344). Minorities nil (72). Shares 122 down 1.

**Warrel Bridge:** Six months to June 6, 1983. Figures in £000s. Turnover 5,763 (3,460). Trading profit 378 (30 loss). Interest payable 12 (27). Pre-tax profit 366 (57 loss). Tax 97 (credit 73).

Whessoe remains an interesting investment opportunity after producing a £300,000 increase in pretax profits to £5.8m in the year to September 24.

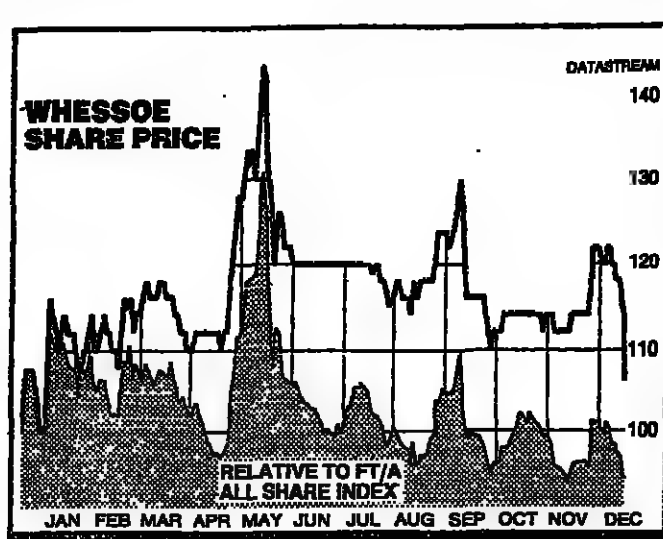
This was on turnover of £111.3m against £98.1m last time. The orderbook at the process plant engineering group, at £300m is identical to last year's with the £75m of orders coming in compensating for the contracts completed during the year.

Good and bad news for shareholders is the near completion of the £130m orders for the heavy engineering work at the Heysham and Torness advanced gas-cooled reactor (AGR) nuclear power stations.

The contracts will be completed by next spring apart from some routine maintenance and service work. But because Whessoe prefers to defer taking profits from such work until it is completed the benefits will not show through until 1984 and 1985.

Whessoe's problem is filling the gap left by the completion of these orders. Mr William Smart, the chairman reports that the group is better placed than a year ago to pick up orders having completed a £5m restructuring at its Darlington plant which has seen numbers reduced from 800 to 300 and the installation of computer numerically controlled machinery increasing efficiency sixfold.

But the key to the group's success hinges upon its ability to translate the increase in order



inquiries into contracts. On the offshore side this is already beginning to show with work on a £15m contract to provide British Gas with a new module nearly completed and strong inquiries from other energy companies.

Elsewhere, the light engineering division has managed to maintain pretax profits at the £850,000 level, despite a grim marketplace, while the Australian and Canadian divisions also traded in the black.

The blackspot turned out to be the high pressure pipework division at Alton where a £1.5m provision was necessary to cover the increasing costs of contracts which are taken on a five-year timespan.

Another shadow over the group is the threatened \$300m writ for damages from Qatar

## INVESTORS' NOTEBOOK

# Whessoe seeks to bridge AGR gap

Timber, which disclosed a Norcross

Yesterday it was the turn of the timber importer May & Hassell, where the recovery gathered pace in the half-year to September 30, leading to a more than tenfold rise in pretax profits from £126,000 to £1.19m.

May & Hassell took action during its last financial year to rationalize the timber importing side of its business, including closing its loss-making Cardiff operation.

Mr Peter Atley, chairman, is therefore predicting that the half-year improvement will be more than maintained in the full-year results and the group's confidence is reflected in a 23 per cent rise in the interim dividend from 1.3p to 1.6p net.

During the first half, May & Hassell managed a small reduction in interest charges from £1.9m to £1m and the group has also benefited from rising timber prices and improved profit margins. Turnover in the six months rose by 20 per cent from £28.7m to £34.5m.

The group has now bought the remaining 50 per cent of Hallam Group, although in the first half it turned in another disappointing performance. May & Hassell's half-share of its losses amounted to £67,000 compared with £65,000 in the whole of 1982-1983.

However, the market was prepared to overlook this and the shares rose 15p to 113p in response to the results.

No sooner has the construction-to-packaging group Norcross shrugged off one negative label, the problem Hygena Kitchens, than its failure to win control of the builders' merchants UBM, has lumbered it with another.

The interim figures clearly illustrate why UBM is such an important component in expansion. The figures are slightly deceptive. Pretax profit is up from £12.5m to £13.9m on turnover marginally lower at £164.7m. The interim dividend is up from 2.08p to 2.3p.

Hygena, despite the losses accounted for around 9m of turnover so the expansion of the other areas has been significant. And the best performer was construction, where the upsurge of housebuilding is proving a worthwhile base on which Norcross can expand overseas.

At the final stage in the summer, international profits fell 25 per cent and now have more than halved to £2.3m. Ceramics were the other big profit earner but once again the business of the international division slid badly down.

Engineering held its profit level while print and packaging managed a marginal increase. Norcross obviously has an ability to make money in Britain but is doing a lot less well abroad. The shares at 143p were down 5p and yielding a healthy 7 per cent, but will continue to be overshadowed by the prospect of a renewed bid for UBM next year.

## May & Hassell

The recovery in the timber cycle, together with internal steps the industry has taken to cut costs and improve performance, have worked wonders for the profitability of the sector. Meyer International, the giant of the industry, reported much higher interim profits this month followed by Phoenix

## COMMODITIES

| LONDON COMMODITY PRICES  |               |        |               |
|--------------------------|---------------|--------|---------------|
| Coffee, Robusta, 100 lbs | 255.00-256.00 | Mar 84 | 255.00-256.00 |
| Coffee, Arabica, 100 lbs | 255.00-256.00 | Mar 84 | 255.00-256.00 |
| Cocoa, 100 lbs           | 255.00-256.00 | Mar 84 | 255.00-256.00 |
| Wheat, 100 lbs           | 255.00-256.00 | Mar 84 | 255.00-256.00 |
| Barley, 100 lbs          | 255.00-256.00 | Mar 84 | 255.00-256.00 |
| Oats, 100 lbs            | 255.00-256.00 | Mar 84 | 255.00-256.00 |
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## Effect of clause in charterparty

**Tor Line AB v Alltrans Group of Canada Ltd**  
Before Lord Diplock, Lord Fraser of Tullybelton, Lord Keith of Kinkaid, Lord Roskill and Lord Brandon of Oakbrook

[Speeches delivered December 15]  
The House of Lords considered the scope of clause 13 of the charterparty in allowing an appeal by the charterers, Tor Line AB from a decision of the Court of Appeal (Sir John Donaldson, Master of the Rolls, Lord Justice Dillon and Sir Denys Buckley) (*The Times* April 8, 1983) who on March 30, 1983 allowed an appeal by the owners, Alltrans Group of Canada Ltd from the judgment on January 20, 1982 of Mr Justice Bingham (*The Times* January 25, 1982; [1982] 1 Lloyd's Rep 617) who had held *inter alia* in favour of the charterers, that the charterparty had come to the correct conclusion on the effect of the clause.

Clause 13 of the charterparty provided: "The charterers shall be responsible for delay in delivery of the cargo or for loss or damage to cargo on board, if such delay or loss has been caused by want of due diligence on the part of the charterers or their manager in making the vessel seaworthy and fitted for the voyage or any other personal act or omission or default of the charterers or their manager."

"The charterers not to be responsible in any other case nor for damage or delay whatsoever and however caused even if caused by the neglect or default of their servants."

"The charterers not to be liable for loss or damage arising or resulting from strikes, lock-outs or stoppage or restraint of labour or vehicles (including the master, officers or crew) whether partial or general."

"The charterers to be responsible

for loss or damage caused to the vessel or to the cargo by goods being loaded contrary to the terms of the charter or by improper or careless bunkering or loading, stowing or discharging of goods or any other improper or negligent act on their part or that of their servants."

Mr Kenneth Robinson, QC and Mr Stephen Tomlinson for the charterers; Mr Bernard Rix, QC and Mr Michael Tugendhat for the owners.

LORD ROSKILL said that the charterparty was a charterparty by demise of the TFL Prosperity. By a time charter dated April 24, 1979 the charterers chartered the vessel for six months and ten days on a charterparty in the charterparty form. To the 25 clauses of the charterparty the parties added typed clauses numbered 26 to 60 inclusive.

The vessel was of a type known as "roll on/roll off" and the charterers required her for their "roll on/roll off" liner service between Europe and the Middle East. It was no doubt for that reason that clause 26, the first of the additional typed clauses, specified in great detail the description of certain fixed structural attributes of the vessel together with particulars of her speed and consumption.

Clause 26 specified under the heading "Free Heights" that the main deck was to be 6.10 m. In fact the free height of the main deck at one critical point was only 6.03 m. As a result a Mafi trailer double stacked with 40ft containers could not be loaded on the main deck.

The charterers claimed damages from the owners, mainly for loss of freight, but there was also a small claim for damages for delay. The charterers raised various defences but the only one which now remained relevant was based on clause 13.

The clause contained four separate sentences, but while each sentence was analysed in detail, each had also to be related to the others so as to construe clause 13 as a whole. To say that the grammar of those four sentences and indeed the drafting was in many places sadly defective and that on any view there was surplusage at various points in the clause did not solve the problems of construction but merely added seriously to their complication.

While the first three sentences of clause 13 were concerned with stating for what the owners would and would not be liable, the fourth was concerned with those matters for which the charterers were to be liable.

Having regard to the obligations imposed on the charterers by, in particular, clause 4 which required the charterers to provide and pay for many things including bunkers and loading and discharging, it was doubtful whether the fourth sentence of the clause imposed greater liabilities than would in any event fall upon the charterers either under the charter or at common law.

The principles applicable to the construction of the exception clauses in charters were set out in the judgment of Lord Justice Bingham in *Burton v English* ([1983] 12 QBD 218) when he said:

"There is... another rule of construction which one would bring to bear upon this charterparty, and that is, that one must see if this stipulation which we have got to construe is introduced by way of exception in favour of one of the parties to the contract, and if so, we must take care not to give it an extension beyond what is fairly necessary, because those who wish to introduce words in a contract in order to shield themselves ought to do so in clear words."

Applying those principles, with-out regard to any of the decided cases, it was not possible to construe clause 13 as a whole and in particular the second sentence as protecting the owners against liability for the breach of clause 26, which in the unimpaired and Mr Justice Bingham's view they undoubtedly committed.

However, there was nothing in the decided cases which would lead to a different conclusion from that which was reached solely upon the language of clause 13. It followed that upon its true construction clause 13 did not in any event afford the charterers a defence to the claim by the owners.

If clause 13 were to be construed so as to allow a breach of the warranties as to description in clause 26 to be committed, or a failure to deliver the vessel at all to take place without financial redress to the charterers, the charter virtually ceased to be a contract for the letting of the vessel and the performance of services by the charterers, their masters, officers and crew in consideration of the payment of time charter hire, and became no more than a statement of intent by the charterers in return for which the charterers were obliged to pay large sums by way of hire, though if the charterers failed to carry out their promises as to description or delivery, were entitled to nothing in return.

It was difficult to believe that that could accord with the true common intention of the parties and that conclusion could not stand with the true construction of the charter in which the parties were supposed to have expressed that true common intention in writing.

Lord Diplock, Lord Fraser, Lord Keith and Lord Brandon agreed.

Solicitors: Inglewood Brown Benison & Garrett; Clyde & Co.

## Arresting ship as arbitration security

**Re The Andria now renamed Vasso**  
Before Lord Justice Waller, Lord Justice Slade and Lord Justice Robert Goff

[Judgment delivered December 19]  
On an application by a plaintiff who had issued a writ in an action *in rem*, the admiralty court had jurisdiction to arrest a ship even when the plaintiff's purpose was simply to obtain security for an award in arbitration proceedings, but the intentions and conduct of the plaintiff in invoking that jurisdiction were matters to be taken into account by the court when deciding whether or not to exercise the power of arrest.

The Court of Appeal so held, dismissing an appeal by the owners of cargo lately on board the ship Andria now renamed Vasso, from the decision of Mr Justice Sheen on June 23, 1982, ordering that an undertaking given by the P & I Club of the respondents, the owners of the ship, given in order to procure the release of the ship arrested by the appellants, should be discharged.

Mr Roger Buckley, QC and Miss Hilary Heilbron for the appellants; Mr Julian Flaux for the respondents.

LORD JUSTICE ROBERT GOFF, giving judgment of the court, said that the appellants had a

claim against the respondents for damage to goods carried on board the ship Andria. After the commencement of proceedings in the High Court, the parties entered into an *ad hoc* arbitration agreement, after which arbitration proceedings were pursued in the ordinary way.

The respondents subsequently sold the ship, which was renamed Vasso, but since the appellants had issued an admiralty writ *in rem* while the vessel was still in the respondents' ownership, and had subsequently renewed it, the admiralty court's jurisdiction could be invoked in order to arrest the ship, thus providing security for the appellants' claim.

An affidavit in the usual form was filed and a warrant for the arrest of the ship was issued. However, no mention had been made in the affidavit of the parties' agreement to arbitrate.

After negotiation, the appellants agreed to release the ship on an undertaking from the respondents, P & I Club, the United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Ltd.

The respondents then applied by motion for a declaration that the admiralty court had had no jurisdiction to arrest the ship, and for an order discharging the undertaking given to the appellants.

Mr Justice Sheen held that since the only purpose in arresting the

ship was to obtain security for any award ultimately made by the arbitrators, and not to hear and determine any claim, the court had not had jurisdiction to arrest the ship. He therefore ordered the undertaking to be discharged.

He based that decision on his own decision in *The Maritime Trader* ([1981] 2 Lloyd's Rep 153) in which he followed earlier decisions of Mr Justice Brandon (as he then was) in *The Cap Bon* ([1967] 1 Lloyd's Rep 543) and *The Rena K* ([1979] 1 QB 377).

His Lordship said that while the court had the greatest respect for any opinion expressed by Lord Brandon (as he now was), he was unable to agree with his view that the admiralty court had no jurisdiction to arrest a ship where the purpose of the plaintiff was simply to obtain security for an arbitration award.

His Lordship was unable to conceive of a case where the jurisdiction to arrest a ship was simply to obtain security for an arbitration award.

Where under sections 1(1) and 3(4) of the Administration of Justice Act 1956 (now sections 20(2) and 21(1) of the Supreme Court Act 1981) the court had jurisdiction to hear the type of claim *in rem* endorsed on the writ, then, under Order 75, rule 5 *et seq* of the Rules of the Supreme Court, the court

must have the power to arrest a ship. But the exercise of that power was not mandatory, and it followed that the court's discretion in exercising the power might be affected by the manner in which, or the purpose for which, the plaintiff had proceeded.

On the law as it stood at present, the court's jurisdiction to arrest a ship in an action *in rem* should not be exercised for the purpose of providing security for an award which might be made in arbitration proceedings, because the purpose of the power was to provide security for an action *in rem*.

That might change when, eventually, section 26 of the Civil Jurisdiction and Judgments Act 1982 came into force.

In the present case, by pursuing proceedings both in court and by arbitration, and by failing to disclose the arbitration proceedings in their *ex parte* application for the warrant of arrest, the appellants had abused the process of the court.

It followed that, while the declaration granted by Mr Justice Sheen had been wrong, the Court of Appeal would not, in its discretion, interfere with the judge's order discharging the undertaking from the respondents' P & I Club.

Solicitors: Clyde & Co; Richards Butler & Co.

## Dominant purpose test for privilege

**In re Highgrade Traders Ltd**  
Before Lord Justice Oliver and Lord Justice Robert Goff

[Judgment delivered December 16]  
The claims officer of an insurance company, which refused to meet a claim for fire damage by the liquidator of an insolvent company on the alleged ground of arson by the company's controllers, was not liable to produce to the court, under section 268(3) of the Companies Act 1948, certain reports concerning the cause of the fire because their "dominant" or "single wider purpose" was to obtain legal advice in contemplated litigation.

The Court of Appeal so held, allowing an appeal by Mr A. J. Alexander, the claims officer, from the dismissal by Mr Justice Mervyn Davies on December 3, 1982, (*The Times*, December 9, 1982) of Mr Alexander's motion for the discharge of an order, made by Mr Registrar Bradburn on April 30, 1982, on the application of Mr Bernard Phillips, the liquidator of Highgrade Traders Ltd, that Mr Alexander should be examined on oath and be required to produce any documents, records or reports, in the custody, power or control of the Phoenix Assurance Co Ltd, which related to Highgrade Traders Ltd.

Mr Michael Turner, QC and Mr Patrick Twigg for the appellant, Mr Michael Crystal and Mr Richard Adkins for the liquidator.

LORD JUSTICE OLIVER said that the dispute had arisen in consequence of a fire which had occurred in highly suspicious circumstances at the premises of Highgrade Traders Ltd on June 30, 1980. Sidney Balcombe & Co, fire assessors, had submitted a claim against the insurers on behalf of the company on July 31, 1980.

The insurers' solicitors had considered that litigation might ensue and had asked the insurers to obtain a fully detailed report. Thereafter, three reports had been compiled for the insurers by, respectively, (1) Pycroft & Arnold, loss adjusters, on September 2, 1980; (2) Hogg, Baltimore & Co, chartered accountants, on February 13, 1981; and (3) Dr J H Burgoyne & Partners, specialist fire investigators, on February 26, 1981.

On April 27, 1981, the insurers had written to the company stating that as they were satisfied that the fire had been deliberately and fraudulently started, they were not prepared to meet the claim.

In July 1981, it was resolved that the company be wound up voluntarily and Mr Phillips was appointed liquidator. In pursuance of his duty to the creditors, he applied for a section 268 order against the appellants, the responsible claims officer of the insurers, to examine him and to compel him to produce the three reports concerned. The appellants refused, claiming that the reports were privileged.

On behalf of the liquidator, Mr

Crystal conceded that if the appellants could show that the reports were privileged, a section 268 order could not extend to them.

Mr Justice Mervyn Davies had concluded, *inter alia*, that the reports had been commissioned for a dual purpose, and that the evidence showed that the dominant purpose had been to find out the cause of the fire and not for litigation. But he appeared to have misinterpreted the effect of the relevant authorities on the facts.

In *Grant v Downs* ([1976] 135 CLR 674, 677) Chief Justice Barwick had held that a document would be privileged if it had been brought into existence for the "dominant purpose" of obtaining legal advice or aid in litigation, such litigation being a reasonable prospect at that time. In *Waugh v British Railways Board* ([1980] AC 521, 544) Lord Edmund-Davies, having adopted that test, continued: "Dominant purpose, then... should now be declared by this House to be the touchstone. It is less stringent than 'sole' purpose..."

Thus, the fact that the person who produced or commissioned the document had in mind other uses would not preclude privilege provided it had the requisite "dominant" purpose. That was not inconsistent with an earlier decision of the House of Lords in *Alfred Crompton Amusement Machines Ltd v Customs & Excise Commissioners* ([1974] AC 403, 432) where Lord Cross of

Chelsea had described the two purposes for which the document there concerned had been produced as forming a "single wider purpose".

Applying those tests to the present case, the judge had concluded that the main purpose of the reports had been to ascertain the cause of the fire, while obtaining legal advice in the event of litigation had only been a secondary purpose. His Lordship was unable to agree that such a duality of purpose had existed. The only reason for discovering the cause of the fire was to ascertain whether there had been fraud. It was clear that if the claim was persisted in, litigation would follow.

Knowing the cause of the fire was of no use on its own: the insurers were not pursuing an academic interest in the possibilities of spontaneous combustion. It was incontrovertible that the insurers had formed a view early on in the dispute that litigation was probable.

Since the documents were, in his Lordship's opinion, therefore privileged, and since it was unlikely that the appellants would be able on examination to provide any information about the fire which did not spring from those reports, his Lordship would exercise his discretion to quash the whole of the section 268 order.

Lord Justice Robert Goff agreed. Solicitors: Lawrence Messer & Co; Heald & Nickerson.

## Means inquiry before binding over

**Regina v Central Criminal Court, Ex parte Boulding**

It was a breach of the rules of natural justice for a court to bind an accused person over in anything greater than a trivial sum without looking at his means and allowing him to make representations as to the amount of the recognizance.

Lord Justice Watkins, sitting in the Queen's Bench Divisional Court with Mr Justice Taylor on December 12, so held, granting an application by Mr Stephen Boulding for judicial review by way of certiorari to quash an order of the Central Criminal Court on January 19, on appeal from the Mansion House Justices, binding him over to keep the peace and be of good behaviour for two years in the sum of £300.

HIS LORDSHIP said although, following the decision in *R v Woking Justices, Ex parte Gossage* ([1973] QB 448), there was no general obligation on a court to allow a defendant, even if acquitted, an opportunity to make representations before binding him over, it was impossible to see how it could arrive at a proper and suitable figure for the recognizance in the absence of any information as to the defendant's means.

Accordingly, unless the amount of the recognizance was trivial, it was a denial of natural justice not to inquire into the defendant's means before imposing the recognizance as the imposition of an unduly large recognizance could work very great injustice to the defendant.

## Delay by prosecution

**Regina v Guildhall Justices, Ex parte Carson-Selman**

**Regina v Guildhall Justices, Ex parte Knight**

**Regina v Guildhall Justices, Ex parte Pinn**

In an extreme case where the prosecution's delay in serving committal papers and bringing on a committal hearing had been truly excessive, examining justices did have power on a further application for an adjournment and remand to

require the prosecution to disclose whether they had a case to present which savoured of being a *prima facie* case against the defendant, on pain of having the charges dismissed.

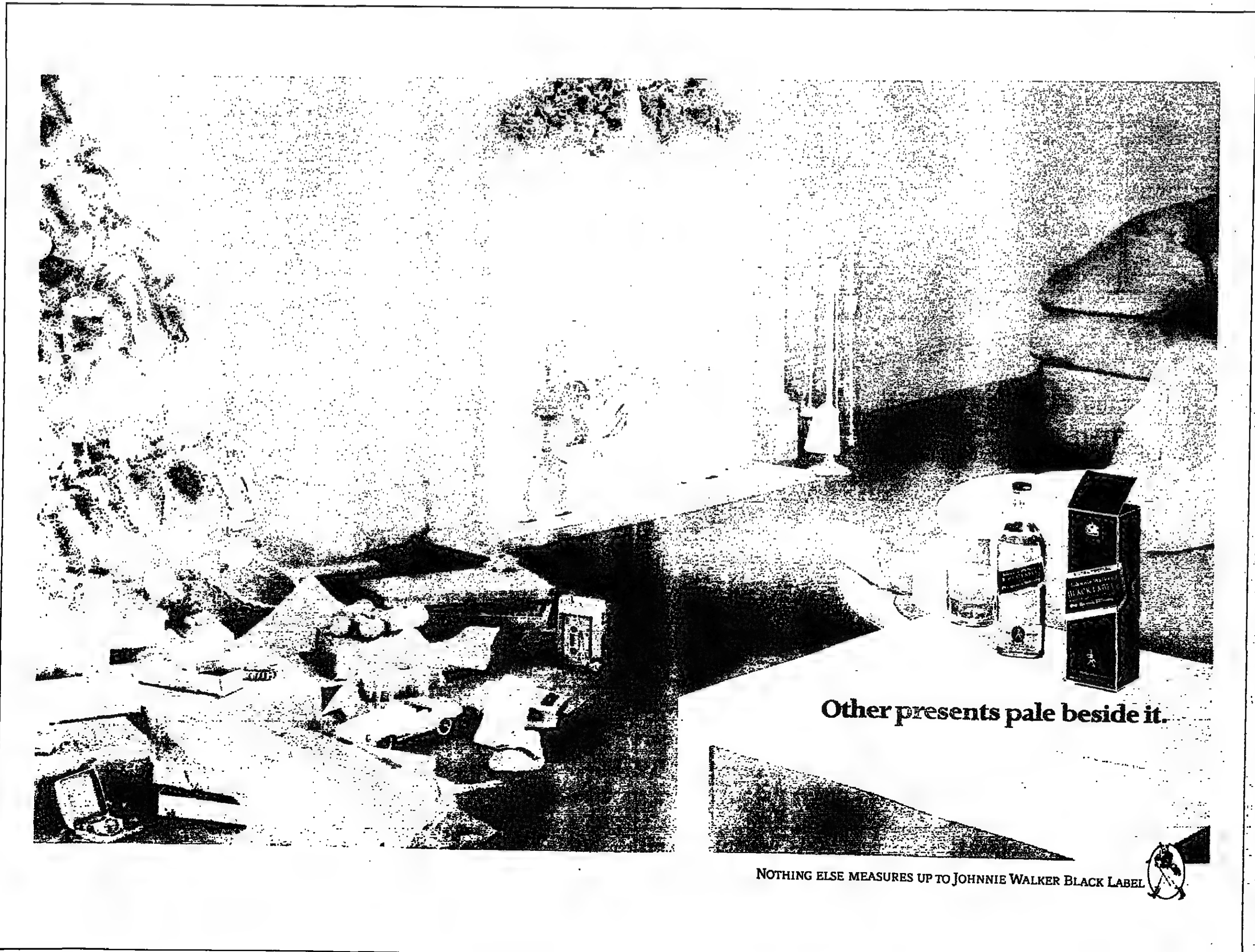
The Queen's Bench Divisional Court (Lord Justice Watkins and Mr Justice Mann) so stated on December 14, dismissing three applications for judicial review of a decision of the justices to grant a further adjournment of committal proceedings against the applicants.

## No bottle trade mark

**In re Coca-Cola Company's application**

A Coca-Cola bottle was not a trade mark, Mr Justice Falconer held in the Chancery Division on December 14, on applications by the Coca-Cola Co to register as a trade mark under section 68(1) of the

Trade Marks Act 1938 the "distinctive shape and appearance" of their bottles. The section defined a mark as including "a device, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof" but did not seem to cover "a container".



Other presents pale beside it.

NOTHING ELSE MEASURES UP TO JOHNNIE WALKER BLACK LABEL







## **RACING: MORE MONEY FOR THE MIGHTY MAC**

[illegible]







[illegible]